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# Prison Restriction Now

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The exploitation of excerpts from the pamphlet "Prison Reform Now"<sup>1</sup> should not be construed as lack of appreciation for what Howard Jones has to say. His paper is certainly one of the (if not *the*) best written resolutions of the social reformer's idealistic-pragmatic diplopia, and should be re-read by every student of penology.

Although Howard Jones concerns himself with English prisons while this paper refers to the Canadian scene, the two are comparable by reason of the antipodal aims of custodians and penal reformers here there and possibly everywhere, and also that this discussion concerns the relationships between the two camps.

One thing—it is intended that Howard Jones be quoted into context equal to his being quoted out of it.

\* \* \*

The penal system was devised to restrict, not reform. So one of the most effective ways of controlling many by few was necessary—regimentation. The working philosophy of this system is that behaviour, not feeling or thought, is the greatest good. This externalization of values has many advantages: alogical simplicity (for example, if a door has a lock on it, it was meant to be locked), democratic depersonalization (the ingenious nullification of individuality in the guise of social equality), and sickeningly so on.

The prime qualification for survival in the system is the ability to understand an order and obey it. Assuming that the newcomer to The System is relatively normal, it is difficult to see how adjustment to this provision can be achieved without personality change. As Jones states: ". . . the need of the normal man for a sense of his own importance is frustrated by his relationship with those above him, and has therefore to be achieved through his relationship with those below him". (p. 25). Whether the change in personality is called "corruption" or "conformity" depends upon to which side of the bars he is allocated.

Security for the individual (inmate or officer), then, entails becoming a cog in the simple, expedient, unequivocal design set up to segregate and punish the enemies of society — in brief, becoming "institutionalized".

Into the Garden of Order swithers the social scientist, disrupting the efficiency of The System and expecting in exchange understanding, acceptance, even appreciation. Armed with the implements of deliberate compassion and bloated with the belief that his aggrandized indignation justifies "reform" he sets out to criticize.

For example, he may assail "unconstructive activity" (p. 1), failing to appreciate the value of the treadmill to keepers of captive animals. Or he may object to "... the traditional 'progressive stages system' ... with its formal criteria for advancement, and the emphasis upon promotion as a reward rather than as itself a phase of treatment" (p. 18), not only imputing the treatment motif to where it is non-existent (and probably doesn't belong) but also deriding custody's dedication to the Christian ethic of self-abasement begets self-advancement. He may also prattle about "The Hidden Community" (p. 7) as though the prisoner population was not a part or extension of The System itself; or conversely, the guard any less a prisoner than the inmate.

And he may go on that "it is very rarely that this hidden community is congruent at any important point with the officially acknowledged prison community." (p. 7), and bewail the "... dogged hostility on the part of the prisoner group towards the prison and its reformatory role." (p. 9). Now surely, in assessing The System's impact upon the prisoner, it would be wiser of the social scientist to leave his values out of it. He might then more accurately refer to the prison's role as interfering rather than reformatory. To presume to "reform" one's fellow is a presumption indeed: one *interferes* with the lives of others until a change (adjustment, if you will) occurs. And the words "reform" and "corrupt" (for the dogmatic do-gooder invariably flips the coin of his realm) merely refer to the direction of change in terms of social values.

Moreover, it is not how one interferes with another that determines his adjustment: it is how the victim interprets that interference *in terms of equity*. It is not whether one is "accepted" or "rejected" (more value-judgment jargon), or even that he is "known" to feel accepted or rejected<sup>2</sup> (the empathic error), that determines the direction of personality change. It is whether or not he perceives the interference as deserved. If he does, he will eventually at least, move with the interferer; if he believes himself to be unjustly manipulated, against. The point here is that the dogged hostility by the prisoner is to the *unjust* institutional interference, not the interference per se.

\* \* \*

By introducing a hitherto unknown equivocality the social scientist detracts from the efficiency of The System. Is he satisfied? Apparently not. He feels compelled to add insult to the injury and profess his



intention to enlighten (if you please) the custodian. Jones, for example, advocates setting up "... within the service training schemes by means of which selected members of the custodial and governor grades can be prepared for the performance of social science functions." (p. 23).

In the first place, why should the custodian appreciate playing the puppet to this meddling missionary who demeans the guard's status, confounds him as to role, and reduces his control over the prisoner? Look at Jones' suggestions that "The casework supervisor to be appointed would need to devote much of his time to helping officers to understand themselves better and keep their feelings out of their work as much as possible." (p. 7). Thus, all the while the custodian's job is being made more difficult for him, his compensatory licence, bestowed by The System, to indulge his umbrage is encroached upon. And as for providing "... "new promotion opportunities" (p. 23), this is only at the cost of disrupting the already established daisy chain. Surely this further disregard for The System would hardly "... help to build bridges between the custodial staff and the social scientists".

By accepting the social scientist's oh-so-tolerant offer of re-education, the successful custodial officer has nothing to gain and everything to lose. But there's another type of custodial officer—the unsuccessful, the one who has reached a landing on the tongue-and-groove staircase of custodial advancement. Here is the man to jump at the alternate route of humouring the social reformer. All is lost if the social scientist does not know better than to expose himself to the designs of this ambitious chameleon who can only be faithful in his fashion.

But leaving the motives for apostasy aside, does the custodian's desire to see the light mean that he actually can? How long would it take to extinguish, say, five years of custodial conditioning? Furthermore, is it really fair of the social scientist to expect a man imbued with the paranoid preachings of custodial tradition to be able to appreciate the laissez-aller of treatment methods? It seems that penal reformers are remarkably prone to an optimism about rehabilitating institutionalized guards that is glaringly inconsistent with their typical defeatism in the face of institutionalized inmates.<sup>3</sup>

Assuming that the custodian wants to be, and in himself is capable of being, re-educated, will he be permitted this perfidy? Only if the reformer's influence is exerted at the apex of the pile-on. Now there's a picture!—a social scientist threatening to enlighten the panjandrum of The System.

\* \* \*

Granted, it is no great shakes to comment upon what isn't the answer. But, before the question can even be approached positively, the responsibility for the prolongation of the existing conditions should be established.

Let's first exonerate the politician. Is it really he who should give "... support and encouragement" (p. 2) to reform? Or is his function a more general one in terms of the happiness of all his constituents? For example, it is so easy to get embroiled in such side issues as corporal punishment, and with the most honourable of intentions, abolish institutional strapping. Unfortunately, as the strap goes out so that good old punch to the solar plexis comes in, so that advocating minimal use of corporal measures becomes a more realistic stand. This is not to say that good cannot spring from the politician's personal and party needs, but that Ministers' memoranda for penal reform rarely survive the Sahara of alien desks enroute to the menial who deals directly with the prisoner.

Maybe we can blame the people! Yet to hold "... that the chief obstacle to progress is the equivocal public attitude towards the prisoner." (p. 2) is to assume the people both know and care what's going on. The absence of public hue and cry in presence of horrible prison conditions gives the lie to this.

The onus for the intrinsic nature of The System rests primarily upon the high ranking custodian. Moreover, he does himself proud in shouldering that responsibility. Can he be condemned for such emasculate resorts as finks, toadies, pipechase charlies, censoring? No! Nor should he be reprehended for emotive resistance to the caseworker's circumvention of regulations. In the first instance he must know what is going on in his institution, and in the second if he "... does fail to comply with rules, he is open to serious censure if anything goes wrong as a result." (p. 27).

Now why should the fact that a modicum of soul-sacrifice is the price exacted by The System from those who need to bear authority be so upsetting to the social scientist? Is it because he is as fascinated by the idea of self-immolation as he is incapable of it?

For is the social scientist, irresponsibly floating in the self-indulgent amnion of infernal optimism, not the one to blame that correctional institutions *still* need correcting? Is he not the one who waits with old-maid patience for the public attitude to change or for a politician to realize the platform value of man's inhumanity to man? When, oh when, is the penal reformer ever going to take his first toddling step into the world of reality? To wit, to accept the immutable but not immortal Way of Life—The System that can be destroyed but never changed!

It is obvious why the social scientist doesn't try to destroy The System. He can't! by the grace of Alma Mater. Nor should he want to.

Not so obvious is why he wants to change it. In all walks of society there are laws which must be obeyed even when their purposes or justifications are obscure. And there must be a fence, preferably a human fence, segregating those adults who have not yet learned to conform. Custodial officers are regimentally trained and psychologically suited to be the pickets in that fence. And it is just about time the social scientist accepted the custodian for what he is—the keeper, not the trainer. For the social scientist hardly respects the custodian when he deems to re-educate him, and he respects not himself when he grovels to entreat the unenlightened. When will the courtship of custody by treatment be as embarrassing to the social scientist as it is amusing to the prison official? For surely in this age of specialization the solution to the problem of custody-versus-treatment (yes, *versus*) is division of labour and not the debility of compromise!

But let's not sell the social scientist short. Perhaps, after all, he is shrewd enough to realize he is overmatched. Then he must ever keep in mind that just as "... the prison administration have to protect themselves." (p. 8) against the prisoners because of (albeit necessary) unfairness, so he has to shield himself from the custodian's justifiable resentment of unfair professional intrusion. Until the social scientist becomes an interloper of some challenge he should foster a hidden community of his own, designed not to reform custody but to imperceptibly though ineluctably restrict it. And until the social scientist is of a stature to make the decisions and accept the responsibility for custody, the custodian must be deluded that the social scientist is no real threat. Up to now, this is about all the penal reformer in Canada has accomplished.

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<sup>1</sup> Jones, Howard. *Prison Reform Now*. London: The Fabian Society. 1959. 31 pp 2s6d.

<sup>2</sup> Certainly some children, for example, resent "acceptance" as much as others do "rejection".

<sup>3</sup> "Psychopath", for example, is a daub from the magic brush of nosology that synchronously tars the uncooperative patient as it whitewashes the impatient therapist.

*A partir de "Prison Reform Now", nouveau livre de Howard Jones, monsieur Cook considère quels effets le spécialiste en sciences sociales a pu avoir sur la réforme pénale au Canada. Il conclue que le spécialiste en sciences sociales n'a accompli que très peu.*

# **Toward an Understanding of the Troubled and Troublesome Adolescent**

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## **Who Are These Adolescents?**

We may define an adolescent as a person who has been in the business of living for between fifteen and twenty-one years. This is his chronological age, but we find many adolescents operating on an emotional level appropriate to an infant who believes in his own omnipotence and that the world revolves around him. Others behave as a toddler who bears frustration so poorly. Some are intellectually bright and active; some are dull and lethargic.

At the Forensic Clinic, Toronto, in 1958 there were over fifty adolescents seen at intake. A composite clinical description will give a picture of how they approached this psychiatric clinic and in what manner they were met.

Ninety per cent of the adolescents who present themselves for an intake interview are males. The boy's complexion may be spotted with acne, perhaps more livid than usual because of the scrubbing he gave his face before keeping his first appointment at the clinic. The well-scrubbed appearance seems significant. It is as if each adolescent has an underlying hope that this new experience may represent a fresh start, and the "dirty past" will not show if his person is clean and presentable.

His fingers are stained by cigarettes, because the rebellion that brings about his appearance in a forensic clinic has been demonstrated in many ways over the past few years. His hair is worn quite long and is frequently elaborately coiffed.

He does not wear garish clothes for the first interview. With his peers, the gold-flecked shirt and black leather jacket, liberally studded with brass, give him prestige and a sense of belonging. The adolescents who come to the clinic are quite wise in the ways of social expectations, in spite of their apparent disregard of some of the conventions. Like little children intent on gaining acceptance, they are usually on their best behaviour and have dressed themselves with considerable restraint.

### **Why Does He Come?**

The adolescent appearing at the Forensic Clinic may be ordered to come by a magistrate; he may have been encouraged to seek psychiatric help by a conscientious probation officer; or he may have been brought by exasperated parents. In a few cases he comes because he has heard that this is a clinic for "sex offenders" and, preoccupied and guilty because of sexual strivings, he feels this is an appropriate source of help.

### **How Does He Feel?**

The intake interview with the psychiatric social worker is his first clinic experience. He may approach this event with timidity or arrogance, with sullenness or seductiveness. The difficulties in handling his feelings about coming to clinic are intensified if he is under court order to attend. Adolescents are not alone in being resentful of an order to do something. Their unresolved feelings about authority make them even more upset by an order to attend, and they greet the social worker with a measure of resistance which indicates anxiety. One detects signs of the reactivation of unconscious fears attributed to a helpless infant in a frustrating, denying and hostile environment. On the conscious level the adolescent may be reacting to his peer-group evaluation of anyone connected with psychiatry as "head shrinkers and bug doctors".

It is with these pre-adults that the clinic worker feels a special need to demonstrate concern by ensuring that each contact with a professional person is purposeful and vital. There is a particular need for understanding the adolescent whose life experience has been one of pressure to conform, to heed and to give, without a substantial measure of love and approval to make these sacrifices of self seem worth while.

### **Our Beginning Technique**

Frequently the youth is accompanied to clinic by a parent or probation officer with a wealth of information to relay to the social worker about the miscreant's misdeeds. There is a temptation to use this source to obtain a full and flavoursome social history. However, to do this is apt to give the adolescent the feeling that this is another failure of the adult world to see him as an individual with the right to be treated as a unique personality. In a client-orientated treatment centre it is policy to demonstrate to an adolescent that his feelings and attitudes are of primary concern. Collateral interviews with parents or probation officers may be arranged only if *he*—the client—accepts this as being helpful to him.

The policy is, therefore, to see the adolescent first. The escort is asked to wait and in some cases is not interviewed at all. If society decrees that in the eyes of the law this adolescent is an adult, there must

be some "privileges" attached to the status. In our clinic it is the privilege of stating his own problem in his own way.

#### A Case History

One experience with an adolescent may illustrate how this approach is seen by the client himself. It concerns Lee who is 16½ years old. He is a curly-haired youngster, frail-looking and very rebellious. He had had one juvenile court appearance for stealing. His present offence of car theft is the second in two months. The magistrate ordered a psychiatric assessment.

Lee's mother came with him to clinic. She perched on the edge of the waiting room chair, harassed and guilty. She had a sheaf of papers in her hand; these were lists of "things wrong with Lee". When the social worker appeared in the doorway to introduce herself to the adolescent client, the mother leaped to her feet and in an audible whisper said she would be interviewed first because she had a lot to tell. Lee's reaction to this was to sigh noisily, bury his face in the magazine he was reading, and quite clearly express his feeling of despair and embarrassment. The mother's anxiety was handled firmly and kindly but, addressing herself to Lee, the social worker let him know that this was *his* appointment and he would now proceed to her office. The smug sneer he gave his mother in passing was noted. The worker was aware that this attitude toward his parent would need exploration with him later.

The interview began. Lee told the social worker how he stole the cars, how he disliked school, how he felt too mixed up to try for a job although he really did want to find employment. He described things at home. Some in the home seemed to pick on him. Others "bugged" him. He said he loved his "mum". If the plump little woman still clutching her notes in the waiting room could have heard the tone in his voice when he said that it would have been reassuring. He did not know any facts about himself as a baby. The worker suggested that perhaps his mother could provide this information.

Lee's feelings burst forth.

"Why can I not do something on my own! Why does everyone listen to my mother and dad — and not to me. Why can't I have one chance to work things out for myself?" His strivings toward independence seemed to him to be thwarted in every direction. In court his mother had stood up and talked to the magistrate. His father had gone to the school principal and tried to explain why he truanted. Lee's cry clearly was for a chance to speak for himself.

The challenge was accepted; the underlying conflict so common to adolescence was noted. Lee was told that in this clinic he was on his



own. The mother would not be interviewed at this time. He would have an opportunity to handle this problem himself. It was recognized with him that his mother meant well, and so did other members of his family who seemed to be prodding him into an adult role. In letting the adolescent have the freedom he craves to test his capacities, the professional worker does not take sides *against* the parent or probation officer.

When the social worker explained to Lee's mother in the waiting room that we were seeing her son only in these assessment interviews, some relief was present in her voice when she said, "Well, perhaps this time he *will* take over".

Lee arrived promptly on time for his subsequent appointments with the psychiatrist and psychologists. He came alone. Our records read: Motivation—good. Prognosis—hopeful.

#### **Reaction Sets In**

The story does not end there. It is only the beginning. Having demonstrated to the adolescent that this wish to be independent is recognized by the worker, one must be prepared to handle the youth's reaction to having his wish honoured. Paradoxically the wish to separate is usually accompanied by an equally strong wish to remain dependent and avoid assuming responsibility for self.

To accept the need to act independently, without an equal measure of acceptance for the adolescent's need to regress, may impose too much stress on a youth confronted by serious problems of living. If we expect a young person to move toward a mature state wherein adult responsibilities are assumed with a degree of confidence, we must be sensitive to his frequent falterings or regressions. It is not a conscious perversity on the part of the adolescent when he acts childishly and makes unreasonable demands. It is an obvious call for help.

Quite clearly the youth is trying to say that he wants to feel protected and loved. He is saying, "I don't want to grow up because I am frightened". The worker who is able to assure the youth that this is a natural feeling, shared by everyone at times, will allay some of the guilt aroused by the urgency of dependency yearnings. By the warm acceptance of the adolescent's need to regress and the see-saw movement of dependency-independency strivings, support becomes effective in stemming the backward trend toward immature behaviour. The happy facility with which an adolescent may recoup his losses is a source of amazement to those working with this age group.

Of course now the paradox becomes apparent. The adolescent expressed great dependency needs. He was met by warm support. Even a momentary flash of gratitude toward the supportive worker is a rarity.

The lad must restore his self respect, and in so doing will make every effort to degrade the one who glimpsed his weakness. The pendulum of feelings with the adolescent swings widely and wildly. His next reaction is an intensified drive toward independence. "Don't tell me how to act—I know all the answers", becomes his unlovable attitude. It takes understanding on the part of the worker to respond consistently with true acceptance. But again the feeling this adolescent is expressing is normal and natural at the turbulent stage of his growth and development. Again we need to remind ourselves that it is not conscious perversity on his part that makes him strike out at those who try to give support to his strivings. It is an outward expression of inner conflict—the urge to grow and the need to return to a less stressful way of life.

#### **Shades of Our Own Problems**

We need to ask ourselves why adolescent clients, wilful and wayward as they are, seem to have a special potential for undermining the tolerance of adults who work with them. It is probable that everyone represses memories of the intense and painful feelings endured at this time of his own life experience. The worker who comes close to the rebellious adolescent may suffer a feeling of vague uneasiness. It becomes hard to remain objective when conflicts become transparent. Ghosts of our own struggles make for discomfort. Our own feelings, conscious and unconscious, distort our appreciation of the needs of the adolescent. If we are honest we know that remnants of immaturity clutter our own lives. The stormy adolescent, whose contradictory feelings are so openly expressed, may threaten our own sense of balance by reminding us that we too regress in times of stress and may feel guilty about it. His sometimes ruthless strivings for independence mirror our own.

#### **Clinic Experiences**

How accepting can we be to these provocative attitudes? What happens when we do respond sensitively to their needs? In the Forensic Clinic the experience of the social worker is that when one demonstrates to an adolescent the clinic's policy of offering services to him as a person separate from parents or other adults in his life, his testing of this policy begins. In effect, the adolescent says, "If you see me as an individual, then prove you are as accepting as you claim to be." This impression is relayed to the worker by means of a furtive or bold glance, or by a snide remark. This may be followed by a lurid tale of sexual adventures, or a story of bizarre behaviour that has rocked his sensibilities, and, hopefully, will rock the worker's. The lad whose dependency needs are momentarily in the forefront may lapse into baby talk. This happens frequently, especially in those whose usual facade is one of bravado!



The intake worker must hold firm and continue to demonstrate that here, in this clinic, the adolescent dependency-independency strivings are understood and accepted. There must be no teasing, because the pre-adult is super-sensitive to humour not of his own making. There must be no condemnation, because this would make the present experience like other unsatisfactory episodes in his life. There must be no commendation either—the troubled adolescent is well aware of attempts to be conciliatory.

**Basis for Belief in This Technique**

This technique is valid if we believe that many of the problems of adolescence are part of the normal process of growth. A worker who is an ally of the growth process is not unduly alarmed or threatened by erratic and conflicting trends in adolescent attitudes. He will feel confident in reinforcing what is healthy growth by giving freely of his own mature stability, while the adolescent wavers between wanting to rest or regress, and wanting to get on with the business of growing up.

*Comment la Toronto Forensic Clinic traite les conflits  
qui surgissent chez les clients adolescents.*

# Criminologie et sociologie

Notes sur le point de vue sociologique  
dans l'étude du comportement criminel

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Le phénomène criminel fait partie, pour le sociologue, du phénomène social total dont il n'est qu'un aspect. Son étude a évolué parallèlement au développement des méthodes et de la théorie sociologiques: après l'étude du conditionnement social extérieur à l'individu—qui constitue en somme l'analyse du phénomène criminel—, les sociologues, aujourd'hui, prospectent davantage les éléments sociaux du comportement du criminel—ce qui s'apparente à l'étude de la personnalité du criminel. A ces phases d'évolution de l'approche sociologique correspondent des méthodes différentes: si, anciennement, les chercheurs faisaient surtout appel à l'histoire, à la géographie et à l'économie, pour réunir les facteurs composant le milieu social de l'activité criminelle, actuellement ce sont plutôt les sciences du comportement qui fournissent les concepts et les techniques aux chercheurs.

Nous assistons ainsi à une large intégration de disciplines de l'homme, telles que la sociologie, la psychologie sociale, l'anthropologie culturelle et la psychanalyse, en un vaste ensemble qu'on a coutume de désigner sous le nom de "sciences socio-culturelles". Nous retracerons ici brièvement les diverses phases de l'évolution de la théorie sociologique: de la définition du fait criminel à l'analyse des caractéristiques du comportement criminel.

## Le phénomène criminel jusqu'au XIXe siècle

Le problème des crimes est aussi ancien que l'existence des groupes sociaux structurés, en d'autres termes, que l'existence des hommes sur la terre. "Là où il n'y a ni morale, ni règle, il n'y a, par conséquent, non plus de crimes."<sup>1</sup> Le crime est, depuis toujours, un problème qui ressortit à la morale d'une part, et au droit pénal d'autre part. Il s'ensuit que, traditionnellement, seules les études philosophiques et les études juridiques traitaient du problème des crimes.

Jusqu'au XIXe siècle, le point de vue juridique a dominé très nettement l'étude de la criminalité. Le dicton de Carrara, l'un des représentants de l'école classique du droit pénal, caractérise cet état d'esprit: "le crime n'est pas un entité de fait, mais une entité de droit; il n'est pas une action, mais une infraction".<sup>2</sup>

L'étude des crimes a donc été strictement circonscrite par les dispositions du droit pénal. Son champ d'action a été limité à ce qui heurtait et mettait en action l'appareil répressif. Ni les mobiles profonds de l'action, ni la personnalité du criminel, ni les conditions psychologiques et sociales dans lesquelles baignaient et sa personne et l'infraction n'ont retenu l'attention.

Vers la fin du XIX<sup>e</sup> siècle, avec le développement des sciences expérimentales et des sciences d'observation, surtout celles qui avaient trait à la biologie et à la médecine, la personne du délinquant a retenu l'attention des chercheurs. Et comme on vivait dans le siècle du scientisme déterministe, ce furent les traits physiologiques et les données héréditaires des criminels que l'on soumit tout naturellement à l'analyse et que l'on considéra comme les clefs de voûte de la personnalité criminelle. C'est au nom de César Lombroso que sont liées les recherches les plus importantes qui, ayant pris de l'ampleur, ont constitué l'école positiviste italienne.

#### **L'étude du conditionnement social**

L'importance attribuée par Lombroso et ses disciples aux aspects physiologiques héréditaires, donc individuels de la criminalité n'a pas tardé à déclencher des études centrées sur le conditionnement social de la criminalité. C'est l'oeuvre de Ferri, considéré à juste titre comme le fondateur de la sociologie criminelle, qu'il faut parler ici. Afin de systématiser les éléments qui enveloppent les faits criminels, Ferri propose de distinguer trois catégories de facteurs.

*Les facteurs anthropologiques.* Leur étude s'étend sur la constitution organique du corps (anomalies du cerveau, des organes vitaux etc). Il s'agit en somme de toutes les caractéristiques somatiques des criminels. Vient ensuite l'analyse de la constitution mentale (anomalies de l'intelligence, de la sensibilité et du sens moral). L'étude du langage (argot) du criminel appartient à cet ordre, ainsi que les caractéristiques personnelles des criminels, tant biologiques que sociales, la race, l'âge, le sexe, l'état civil, la profession, le domicile, le statut social, et le niveau d'instruction. En somme, sont notés ici tous les traits individuels pouvant avoir une certaine importance.

*Les facteurs physiques.* Parmi eux on relève le climat, la nature du sol, la longueur de la journée et celle des saisons.

*Les facteurs sociaux.* Ferri énumère ici la densité de la population, l'opinion publique, les us et coutumes, les moeurs et la religion. Sous cette rubrique, il aborde aussi la famille, le niveau de l'enseignement, le degré de l'industrialisation et de l'alcoolisme. Mais tout ceci n'épuise pas encore le monde social: les conditions de vie économiques et sociales, le

fonctionnement des administrations publiques (judiciaire, politique, policière, pénitentiaire) doivent encore être analysés. Il s'agit, en définitive, des courants collectifs qui agissent sur l'individu.<sup>3</sup>

Si Ferri prétend que l'effet des facteurs sociaux sur la criminalité est prépondérant, il affirme néanmoins que ces divers facteurs sont en interaction constante et que c'est par leur ensemble qu'ils conditionnent le phénomène criminel.

"Tous les crimes, dit-il, sont la résultante des conditions individuelles et sociales. L'influence de ces facteurs est plus ou moins grande selon les conditions locales particulières. Les crimes contre les personnes indiquent une régularité plus grande dans leur évolution que les autres, montrant ainsi combien ils sont tributaires des constantes de la personnalité humaine alors que les autres dépendent plutôt des conditions sociales".<sup>4</sup>

A chaque phase d'évolution et à chaque état d'une société correspond un rapport assez constant de facteurs physiologiques, biologiques et sociaux de la délinquance. Ferri désigne ce rapport sous le nom de "loi de saturation criminelle".<sup>5</sup> Dans cette définition de la sociologie criminelle,<sup>6</sup> on se trouve en présence de deux éléments propres à la sociologie naissante: la partie synthétique qui se propose de reprendre les éléments fournis par d'autres disciplines et la partie analytique qui consiste dans l'étude d'un aspect de la vie sociale.

Cette définition a fourni jusqu'à nos jours les cadres des études descriptives de la sociologie criminelle. L'hypothèse de base, suggérant l'interdépendance des facteurs d'ordre physique et social, d'ordre individuel et collectif, est demeurée valable.<sup>7</sup>

#### **Le crime phénomène social pathologique**

La tendance de la sociologie empirique lancée par Ferri et illustrée jusqu'à nos jours par des études importantes a été suivie ou plutôt dépassée par une conception de la sociologie criminelle centrée davantage sur la théorie sociologique. En effet, l'application la plus importante de la méthode durkheimienne fut faite sur un problème de pathologie sociale, en marge de la criminalité, le suicide. De plus, une des préoccupations constantes du grand maître a été la pathologie sociale, le problème du normal et de l'anormal.<sup>8</sup>

Il n'a pas de sociétés connues, déclare-t-il, où, sous des formes différentes, ne s'observe une criminalité plus ou moins développée. Il n'est pas de peuple dont la morale ne soit pas quotidiennement violée.<sup>9</sup> Nous devons dire que le crime est nécessaire, continue-t-il, qu'il ne peut pas ne pas être, que les conditions fondamentales de l'organisation sociale, telles qu'elles sont connues, l'impliquent logiquement. Et il conclut: "par suite,

il est normal.<sup>10</sup> Le critère du caractère "normal" d'un phénomène est, pour Durkheim, sa généralité. "Pour que la sociologie soit vraiment une science de ces choses, il faut que la généralité de ces phénomènes soit prise comme critère de leur normalité".<sup>11</sup>

Dans toutes les sociétés, on distingue deux formes de phénomènes sociaux: celle qui est générale et se retrouve dans toute l'étendue de l'espèce, sinon chez tous les individus, du moins chez la plupart d'entre eux; si elle ne se répète pas identiquement dans tous les cas où on l'observe, les variations qu'elle subit sont comprises entre des limites très rapprochées;—celle qui est exceptionnelle, et que Durkheim appelle "pathologie".

Il est évident que, dans une culture donnée, la présence d'un phénomène qualifié d'anormal ou de pathologique aura toujours un accent péjoratif, impliquera toujours un jugement de valeur défavorable vis-à-vis de ce phénomène. Ce n'est donc pas en cela que l'apport de Durkheim consiste, mais bien dans le fait que cette attitude et ce phénomène pathologique peuvent être étudiés comme les traits d'une culture, au même titre que n'importe quel autre trait.

Cette définition de la pathologie n'avait rien de philosophique, elle ne préjugait en rien de l'essence ou de la nature des choses. Notre auteur s'empresse d'ajouter: le pathologique ne peut pas être déterminé in abstracto, il est toujours défini par rapport à une espèce donnée.<sup>12</sup> Il n'en reste pas moins vrai qu'en empruntant ces termes au langage philosophique traditionnel pour les prendre dans un sens tout différent, Durkheim risquait une dangeuse confusion qui, hélas, n'a pas tardé à se produire.

Il développe des vues importantes pour la sociologie contemporaine: a) un fait social est normal pour un type social déterminé, considéré à une phase déterminée de son développement, quand il se produit dans la généralité des sociétés de cette espèce, considérées à la phase correspondante de leur évolution; b) on peut vérifier les résultats de la méthode précédente en faisant voir que la généralité des phénomènes tient aux conditions générales de la vie collective dans le type social considéré; c) cette vérification est nécessaire quand ce fait se rapporte à une espèce sociale qui n'a pas encore accompli son évolution intégrale.<sup>13</sup>

La criminalité n'a donc jamais de signification qu'en fonction d'une société, disons mieux, d'une culture particulière. Cette culture ne comprend pas seulement des éléments matériels, mais elle a aussi des mœurs particulières, ordonnées, qui reçoivent une signification en fonction du système de valeur qui lui est propre.

L'apport principal de Durkheim consiste donc en ce qu'il a montré qu'un phénomène pathologique, la criminalité par exemple, n'est pas

d'ordre accidentel et ne procède pas de causes fortuites. Au contraire, il est lié "normalement" à la société, il fait partie de la culture et découle donc du fonctionnement "régulier" de celle-ci. Nous voilà bien loin des études empiriques inaugurées par Ferri.

Comment Durkheim concevait-il le mécanisme qui lie les phénomènes pathologiques, en l'occurrence la criminalité, à une culture donnée? C'est par le concept de l'anomie qu'il l'exprime. De l'absence de normes, de règles qui contrôlent la conduite résulte un isolement relatif de l'individu et un sentiment d'exclusion, de non-appartenance aux divers groupes de la société. L'anomie désigne ce trouble de comportement de groupes sociaux qui ont imparfaitement assimilé les normes de conduite de la société globale. Durkheim a lié l'anomie aux deux types de solidarité, mécanique et organique, qui correspondent à deux niveaux différents de la division du travail. Entre la fréquence d'un certain phénomène et l'action régulatrice de la société, un rapport plus ou moins constant s'établit.

Voici comment il explique ce rapport à propos du suicide: "Le taux des suicides constitue un ordre de fait un et déterminé; c'est ce que démontrent à la fois sa permanence et sa variabilité. Car cette permanence serait inexplicable si elle ne tenait pas à un ensemble de caractères distinctifs solidaires les uns des autres qui, malgré la diversité des circonstances ambiantes, s'affirment simultanément; et cette variabilité témoigne de la nature individuelle et concrète de ces mêmes caractères, puisqu'ils varient comme l'individualité sociale elle-même. En somme, ce qu'expriment ces données statistiques c'est la tendance au suicide dont chaque société est collectivement affligée . . . Chaque société est prédisposée à fournir un contingent déterminé de morts volontaires. Cette prédisposition peut donc être l'objet d'une étude spéciale et qui ressortit à la sociologie".<sup>14</sup>

Il démontrait, par ailleurs, que plus d'un individu manque de relations sociales intenses qui l'intègrent dans une structure sociale, plus il aura tendance, à l'occasion de certaines difficultés, à recourir au suicide. Par voie d'analogie on peut en dire autant de la criminalité et de tous les autres faits sociaux. L'anomie indique donc les troubles dans la fonction régulatrice spontanée de la société sur un phénomène social. Durkheim implique ainsi la possibilité de l'établissement de lois sociologiques: les attitudes individuelles, les situations sociales particulières sont tributaires des courants collectifs qui obéissent à certaines lois de mouvement. Dans la terminologie sociologique actuelle, nous dirons qu'il s'agit du fondement du contrôle social.

A.-M. Rose, développant l'idée de Durkheim, indique d'une manière plus précise le mécanisme de l'anomie dans une culture déterminée. Lorsque les membres des groupes qui composent une société dans une culture

donnée ne sont pas bien intégrés, ils ne peuvent prévoir qu'imparfaitement le comportement des autres. Il s'ensuit une situation conflictuelle favorable à la délinquance. En effet, si les membres de ces groupes ne partagent pas les mêmes valeurs, n'obéissent pas aux mêmes normes de comportement, un état de "désorganisation sociale" se crée, engendrant des conflits sans nombre. Le "melting pot" ethnique et religieux des villes américaines a fourni d'innombrables exemples de "désorganisation sociale" partielle, issue de l'hétérogénéité des valeurs en vigueur dans ces communautés.

Il distingue deux types de désorganisation sociale: a) à la suite de l'affaiblissement de l'intégration d'une culture, des sous-groupes se créent, assez cohérents entre eux, partageant la même échelle de valeurs mais ne la partageant qu'imparfaitement avec la culture globale; l'état de symbiose alterne alors avec l'état de conflit; b) les individus en relation directe les uns avec les autres, ne partageant pas la même échelle de valeurs, voient la situation conflictuelle éclater alors à l'intérieur des groupes et produire des phénomènes pathologiques tels que l'alcoolisme, la délinquance, les suicides, etc.<sup>15</sup> Il s'agit donc de situations conflictuelles qui se créent par la continue inadaption des individus ou des groupes à l'intérieur d'une même culture.

Dans sa magistrale étude intitulée "La structure sociale et l'anomie",<sup>16</sup> R. K. Merton analyse l'apparition de l'anomie sur le plan de la société globale. Indiquant les valeurs propres à la culture américaine, telles qu'elles sont résumées dans l'"American Dream",—basé surtout sur l'amélioration constante du niveau de vie et l'accumulation des signes extérieurs de richesse—l'auteur se demande si les moyens que la société met à la disposition de ses membres sont bien à la mesure des ambitions que la culture leur inculque. Et il émet l'hypothèse selon laquelle les gens auront tendance à préférer les moyens "illégaux", c'est-à-dire en dehors des cadres institutionnels socialement approuvés, qui leur permettent de réaliser plus efficacement l'ambition suscitée par la culture ambiante; un peu comme si, dans une compétition d'athlétisme, les participants saisisaient tous les moyens pour s'imposer à l'adversaire, ne tenant aucun compte des règles du jeu. En d'autres termes, seuls les résultats comptent et point la manière dont ils furent atteints. Notons que, dans le schéma d'analyse que propose Merton, il s'agit toujours du comportement déviant dont une fraction seulement est le comportement criminel.<sup>17</sup>

L. Srole dans une étude sur l'intégration sociale se sert du concept "anomie" pour mesurer ce qu'il appelle l'"aliénation interpersonnelle". Cet auteur place les individus sur un "continuum" dont les deux pôles extrêmes représentent d'une part, un très grand sentiment d'appartenance aux autres et, d'autre part, un sentiment également fort d'aliénation des



autres. Dans cette perspective, c'est l'absence de normes liant les individus à la société qui est soulignée plutôt que l'affaiblissement des normes intégrant les groupes sociaux dans une société globale.<sup>18</sup>

L'analyse de Durkheim concernant le normal et le pathologique et leurs rapports avec la société a permis de considérer comme acquis les points suivants:

—puisque la criminalité est un phénomène "normal", elle ne provient pas de causes exceptionnelles mais bien de la structure humaine de la culture à laquelle elle appartient; la criminalité est donc un phénomène inhérent au fonctionnement même de la société.

—puisque la criminalité est une résultante des grands courants collectifs de la société, son existence et ses rapports avec l'ensemble de la structure sociale présentent un caractère de permanence et sont susceptibles ainsi d'une étude scientifique;

—ceci revient à dire que le phénomène pathologique, et ainsi la criminalité, doivent être compris et analysés, non pas en eux-mêmes, mais toujours relativement à une culture déterminée dans le temps et dans l'espace.

Grâce aux efforts de Durkheim, l'étude de la criminalité en tant que phénomène socio-culturel est devenue possible. Elle figure désormais parmi les préoccupations constantes des observateurs scientifiques de la vie sociale.

#### **La Criminalité Processus Socio-Culturel**

Ce bref examen de la pensée durkheimienne nous permettra de mieux comprendre une des théories principales de la sociologie contemporaine, celle de Sutherland, qui a dominé, pendant ces vingt-cinq dernières années, la sociologie criminelle américaine et qui a fortement imprégné toutes les recherches entreprises aux Etats-Unis.<sup>19</sup> Sutherland considère la criminalité comme un processus socio-culturel qui fait partie de chaque société. Le phénomène criminel est un processus intégré dans la culture d'une société déterminée dans le temps et dans l'espace.<sup>20</sup>

Le comportement criminel s'explique à partir des postulats suivants:

a) le processus dont résulte le comportement criminel ne diffère en rien d'un processus de comportement normal.

b) Le comportement criminel est impliqué dans le système social associatif, comme l'est le comportement normal. Chacun d'eux a son monde social organisé en système avec les groupes, les cliques ou les unions plus ou moins durables, intégrés par une échelle de valeurs respectée.



c) C'est dans un système associatif, celui des malfaiteurs, que se développe la personnalité du criminel. Les mêmes processus de base, l'apprentissage et la socialisation, qui caractérisent l'intégration des personnalités dans une culture, président à la formation de la personnalité criminelle. Puis les normes morales en vigueur dans cette culture déterminent l'attitude devant les "infractions". Or ces normes n'indiquent aucune répréhension pour les vols, par exemple, qui constituent, dans leur cadre, une activité "normale".

d) Les différences individuelles ne jouent un rôle dans le devenir de la personnalité criminelle que dans la mesure où la participation du délinquant à la culture criminelle s'avère plus ou moins étroite.

e) Les conflits socio-culturels qui ont provoqué la naissance de ces associations différentielles sont également à la base de la personnalité criminelle. Le criminel est membre des associations, des groupes qui l'intègrent comme membre "normal" d'une société.

f) La désorganisation sociale, c'est-à-dire la décomposition de la société en plusieurs secteurs, en conflit les uns avec les autres, l'affaiblissement de l'effet cohésif de la culture globale et l'apparition de cultures particulières, les sub-cultures, est la cause fondamentale du comportement criminel qui n'a de sens que dans une situation conflictuelle.<sup>21</sup>

En définitive, le comportement criminel est lié aux associations différentielles et se développe dans une situation conflictuelle qui se crée à la suite d'une désorganisation sociale, elle-même tributaire d'une désintégration culturelle. La définition du crime de Sutherland est la conséquence de sa thèse sur le comportement criminel. Il dit, en effet, qu'il y a crime lorsqu'un individu commet une infraction aux règles en vigueur dans une culture. Pour qu'il y ait crime, il faut que soient réunis trois éléments:

—les valeurs ignorées ou niées par les criminels doivent être appréciées par la majorité de la société globale ou, souvent, par ceux qui sont politiquement les plus importants;

—l'isolement de certains groupes fait que ceux-ci s'écartent des normes de la culture globale et entrent en conflit avec elle;

—c'est la majorité qui applique des sanctions sur la minorité.<sup>22</sup>

Nous avons vu comment, à travers des études empiriques sur les facteurs de la criminalité, s'est développée une théorie de la sociologie criminelle chez Durkheim, dont l'apport principal consiste à considérer la criminalité ou le phénomène pathologique comme "normal", lié à un complexe socio-culturel. La théorie de Sutherland développe ces mêmes idées en intégrant l'étude du comportement criminel dans la sociologie des autres comportements, en associant l'étude de la culture criminelle à l'étude de la culture globale.

C'est cette manière de voir qui a permis à Sutherland de découvrir d'autres formes de la criminalité qui échappent la plupart du temps à la répression du Code pénal. Il s'agit d'une violation des normes en vigueur dans une culture donnée. C'est, par exemple, la "white collar criminality", la délinquance des "cols blancs", celle des milieux économiquement très élevés qui transgressent les règles régissant l'activité de leur profession. Leur comportement est semblable à n'importe quel autre comportement criminel, la seule différence y est l'absence d'une sanction légale.<sup>23</sup>

Cette manière de voir nous amène à une définition bien plus large de la criminalité: est considérée comme telle toute violation des lois, des normes et des valeurs en vigueur dans une culture donnée. La criminalité réprimée par le Code pénal n'en constitue qu'une partie, celle qui est propre, en général, aux milieux déshérités qui sont victimes des rapports de forces existant dans la société.

#### **Importance des facteurs psychologiques**

La théorie de Sutherland et celles de quelques sociologues américains donnent un concept sociologique très élaboré du crime et du comportement criminel. Ceux-ci sont considérés comme des faits socio-culturels et s'expliquent en fonction de système socio-culturels. Le déterminisme bio-psychique et l'étroitesse d'une conception purement juridique du comportement criminel semblent largement dépassés.<sup>24</sup>

Le rôle des facteurs psychologiques et sociologiques dans la formation du comportement criminel peut être mis en relief par la distinction entre les traits psycho et socio-génétiques du criminel: les premiers rendent raison du comportement individuel et les seconds l'expliquent dans les cadres des modèles socio-culturels.

Ici nous nous trouvons au point d'intersection de l'individuel et du social où se pose notamment le problème de la motivation de l'acte criminel. La motivation d'un acte qui fait de son auteur un délinquant est toujours strictement individuelle. Ni les conditions biologiques, ni les conditions d'ordre socio-culturel ne remplacent les motivations inhérentes au for intérieur d'un homme. E. de Greeff avait raison d'écrire que les "causes sociologiques" ne tiennent que jusqu'au moment où l'on se trouve placé en face de l'homme criminel.<sup>25</sup> Pourquoi est-ce justement X qui a cédé à la tentation criminelle, alors qu'il se trouve exactement dans la même situation héréditaire que son frère jumeau Y et qu'il partage la condition sociale d'innombrables autres personnes.

En distinguant l'étude de la criminalité de celle du criminel, le docteur de Greeff a indiqué, très opportunément, la ligne de démarcation entre les deux domaines d'investigation. La légitimité des deux approches n'est pas douteuse, mais celles-ci doivent être considérées comme complémentaires.

J. Dollard a tenté de systématiser les mobiles des actes criminels dans une théorie psycho-sociologique. Loin de supprimer le caractère individuel de la motivation il en cherche seulement les racines dans les ordres psychologiques et social. Son hypothèse fondamentale se résume en cet énoncé: toute agression est la conséquence d'une frustration.<sup>26</sup> Pour l'étude de la criminalité, qui est un genre d'agression, il ajoute à la notion de frustration celle de l'"anticipation of punishment". Cette seconde notion indique la crainte d'une punition qui, selon l'auteur, est aussi une forme de l'agression, exercée par des forces pro-sociales contre les forces antisociales. L'auteur de ces deux concepts se propose de réexaminer tous les facteurs réputés criminogènes, à la lumière de ces deux concepts. En prenant par exemple l'âge, il montre combien, à chaque phase de la vie, correspondent un genre et un degré différents de frustration.<sup>27</sup> L'auteur examine ainsi le statut économique, l'instruction, la constitution physiologique et la race, jusqu'aux conditions de logement, la situation écologique, l'armée et le voisinage; et notre énumération n'est point exhaustive.<sup>28</sup>

Il conclut que le niveau de la criminalité dépend des rapports dynamiques de la frustration et de l'"anticipation of punishment"; si les frustrations peu nombreuses, la criminalité ne sera pas très forte. Il en est de même si un haut degré de frustration est enregistré: la criminalité ne sera pas élevée si l'"anticipation of punishment" est également élevé. En revanche, si l'"anticipation of punishment" est peu élevé et les frustrations nombreuses, l'écart des deux facteurs déterminera un niveau certainement élevé de la criminalité.<sup>29</sup>

Nous avons présenté cette théorie à titre d'exemple, pour indiquer un pont éventuel entre la sociologie criminelle, qui étudie les conditionnements externes de la criminalité et la considère comme faisant partie d'une culture, et les théories purement psychologiques ou psychanalytiques qui expliquent l'acte criminel à la lumière d'un destin purement personnel. Il nous semble, toutefois, que la théorie de Dollard ne souligne pas suffisamment l'importance de la culture et celle des groupes sociaux à l'intérieur desquels se forment et se déclenchent la frustration et l'"anticipation of punishment".

#### **Synthèse entre Psychologie et Sociologie**

La préoccupation d'établir une synthèse sur le plan des concepts opérationnels se fait jour de plus en plus. Au lieu de se lancer des anathèmes, les chercheurs se penchent sur le phénomène criminel et mettent à l'épreuve de l'expérience et de l'analyse tous les concepts, qu'ils viennent de la psychanalyse ou de la sociologie. Considérons brièvement deux propositions, l'une provenant d'un médecin psychiatre, professeur de psychologie, l'autre d'un sociologue, professeur de sociologie

juridique.<sup>30</sup> Remarquons, tout d'abord, que les deux essais ne se situent pas exactement sur le même plan: la pensée de D. Lagache demeure d'essence clinique, l'intégration des concepts, l'analyse de la criminogénèse s'opère au niveau de la thérapeutique. En revanche, la théorie de C. R. Jeffery est plus abstraite et, en même temps plus ambitieuse: elle propose un concept de caractère psycho-social pour expliquer toute conduite criminelle.

Selon Lagache, la criminogénèse, pour le psychologue, doit être analysée grâce aux concepts de conduite, de personne, de situation et de groupe. Il précise que "... la plupart des situations auxquelles l'homme doit répondre et qui président à sa formation, sont des situations sociales. La société est une articulation et une stratification de groupes, qui répondent à la diversité de ses besoins et dans chacun desquels il a un statut et un rôle plus ou moins formels et définis".<sup>31</sup> L'auteur ouvre la voie à la collaboration de toutes les disciplines, de la médecine à la sociologie, dont chacune doit scruter le même phénomène dans une optique qui lui est, toutefois, propre. Il récuse le concept étroit de la psychocriminogénèse, qui n'aura pas la souci "des ensembles réels et de l'articulation des déterminants de divers ordres".<sup>32</sup> Pour lui, la psychocriminogénèse devient la criminogénèse tout court.

Le point de départ de Jeffery est la constatation d'une carence dans l'explication du phénomène criminel: ni la psychanalyse (les théories de Freud) ni la sociologie (la théorie de Sutherland) n'ont été capables d'expliquer tous les crimes et tous les comportements délictueux. Car tous les criminels ne sont pas névrotiques non plus que tous n'ont fait l'apprentissage de leur conduite criminelle dans des bandes ou d'autres associations criminelles. Au lieu de partir du subconscient ou des groupes sociaux extérieurs à la conscience individuelle, notre auteur fonde sur la notion de la personne socialisée sa théorie d'aliénation sociale.

Le délinquant se caractérise, déclare-t-il, par une "dépersonnalisation" sociale: la formation de ses Moi et Sur-Moi a été défectueuse par suite de son identification imparfaite avec les figures parentales; son intégration dans la société laisse à désirer: il n'a pas pu acquérir les statuts auxquels il aspirait. Il n'a intériorisé les valeurs de la culture globale que partiellement, ce qui le met dans un isolement mental relatif au sein de son milieu de vie. Jeffery souligne surtout la "dépersonnalisation" des relations sociales (impersonality) qui se manifeste dans l'inauthenticité de celles-ci à cause d'une incapacité organique ou accidentelle. Selon l'auteur, ce concept d'aliénation pourrait absorber toutes les propositions criminologiques de la psychiatrie, de la psychologie et de la sociologie, relatives à l'étiologie de la délinquance. Les troubles émotionnels comme les troubles d'origine sociale affectent l'intégration de la personnalité en elle-même et dans la société.

De ces troubles résultent, par exemple, le suicide, l'usage des stupéfiants, l'alcoolisme, la schizophrénie, les troubles neurotiques ou le comportement criminel. Armé de son concept d'aliénation sociale, notre auteur s'efforce de démontrer la concordance de tous les résultats d'études criminologiques avec sa théorie. Néanmoins, il est à craindre qu'il ne convaincre que peu de monde. Sa théorie intègre toutes les autres, car elle est la plus abstraite. Mais cet avantage ne lui fait-il pas perdre l'attribut indispensable de toute théorie scientifique: la prédiction de phénomènes spécifiques? Dès qu'il s'agira d'expliquer un phénomène criminel particulier, les concepts traditionnels reparaîtront et la théorie de l'auteur risque de n'ajouter que fort peu de chose à l'étiologie du problème. Dans ces conditions, l'on peut se demander s'il est possible d'élaborer une théorie intégrée du crime et du comportement criminel.

Nous sommes tentés de répondre par la négative. Notre scepticisme est basé sur les considérations suivantes: tout d'abord, ce qui constitue un délit est déterminé par la loi. Or celle-ci est l'expression des aspirations d'une partie plus ou moins importante des diverses couches sociales qui constituent la société. Dans ces conditions, la législation criminelle ne représente pas une oeuvre rationnelle, basée sur certains critères logiques, mais résulte de l'évolution des moeurs d'une société particulière. La relative pérennité de certaines lois ne reflète que l'évolution particulièrement lente des idées morales. Par conséquent, il apparaît vain de rechercher un principe unique qui gouvernerait le comportement d'un adolescent qui vole une auto pour parader devant sa petite amie, d'un tueur du "syndicat du crime" et d'escrocs de grand style dont une fraction seulement se trouve sous les verrous. Il serait plus facile, sans doute de développer une théorie générale du comportement déviant où des critères physiologiques, psychologiques et sociologiques assez sûrs rendraient possible un raisonnement scientifique.

Une deuxième considération dont nous voudrions faire état concerne la maturité actuelle de la théorie sociologique. Celle-ci est à l'heure des "théories à moyenne portée" (middle range theories) selon le mot de R. K. Merton. Ce qui nous manque, actuellement, ce sont des concepts qui rendent compte, non pas de la réalité phénoménale, mais des rapports qui existent entre certaines de ses caractéristiques. Sans vouloir dresser ici un inventaire de notre ignorance, nous pouvons affirmer qu'il est vain de rechercher l'étiologie du crime en général, alors que nous connaissons à peine celle des crimes particuliers. De plus, bien que la théorie sociologique ait fait des progrès notables, depuis l'époque de Durkheim, elle reste encore largement insuffisante devant l'explication de maints aspects de la conduite sociale.

En définitive, il semble que le rapport entre recherches psychologiques et sociologiques ne puisse trouver une réponse satisfaisante,

provisoirement sans doute, qu'au niveau du travail clinique ou de recherches empiriques particulières. Elle n'a pas encore sonné l'heure de l'intégration des théories dans une étiologie globale de la conduite criminelle.<sup>33</sup>

### **Comment analyser le comportement criminel**

A la lumière de ces théories, quelle sera la démarche du chercheur lorsqu'il entreprendra l'étude du comportement criminel? Rappelons, d'abord la définition de la culture. La culture est l'ensemble des croyances, des mœurs et des genres de vie intégrés en fonction de certaines valeurs généralement admises, qui s'imposent avec une certaine permanence dans une société donnée.<sup>34</sup>

Dans une recherche sociologique, il y a donc lieu de s'informer des éléments culturels qui encadrent la société soumise à l'analyse. On distinguera avec soin les valeurs dans lesquelles se cristallisent les règles de conduite, les normes qui donnent un sens à l'activité organisée des groupes et des individus. C'est ainsi qu'une société peut être caractérisée par des valeurs traditionnelles telles que le respect de la vie de famille basée sur un grand nombre d'enfants, organisée en une économie domestique et gouvernée par l'autorité patriarcale, sur le respect de la religion et de l'autorité établie, un genre de vie lié à la terre, avec peu de mobilité tant géographique que sociale, etc. Une autre société peut se caractériser par des préférences pour une vie sociale plus extravertie, moins centrée sur la famille; elle respectera plutôt les valeurs rationnelles représentées par les sciences qu'elle jugera contraires à l'esprit religieux; elle aura une attitude critique à l'égard de toute autorité établie et trouvera sa fortune dans une mobilité sociale très poussée. Il est évident que les cultures de ces deux types de société seront fort différentes ainsi que les conflits qui surgiront.

Nous entendons par société l'ensemble des groupes sociaux startifiés suivant des critères d'ordre biologique (âge, sexe), économique (niveau de vie, métier) et culturel (classes sociales, groupes de prestige). La répercussion des conflits, nés des tensions surgies au niveau de la culture, sera sensible sur le plan "social" du phénomène humain. Si des groupes ethniquement, religieusement, économiquement et écologiquement en conflit les uns avec les autres forment ensemble une structure sociale, les "lignes de conflits" seront d'autant plus nombreuses que les oppositions seront plus intenses. De la surface de frottement entre les divers groupes en conflit dépendra le niveau de la criminalité. En effet, une société constituée par des groupes ethniques différents, ayant chacun sa religion propre, un niveau de vie fortement contrasté par rapport à celui des autres groupes, risque d'avoir une délinquance plus élevée qu'une autre société, plus homogène au point de vue socio-culturel.



Les individus qui s'insèrent dans les divers groupes primaires et secondaires font partie d'une structure sociale et sont également intégrés dans un système culturel. Leurs activités sont réglées par l'ensemble de la culture et se déroulent au sein des groupes sociaux dont ils font partie. Les comportements individuels et ceux des groupes ne sont compréhensibles qu'en tant qu'éléments d'une culture donnée. Ces personnes socialisées représentent la synthèse dynamique des éléments résultant de l'hérédité, du tempérament bio-physique et de l'apprentissage socio-culturel.

En définitive, l'analyse du sociologue se situe à la fois à trois niveaux différents:

—au niveau de la culture, il scrute les valeurs, les normes qui modèlent le comportement social, il recherche la signification des actions humaines;

—au niveau de la société, il établit les critères qui articulent les groupes sociaux en structures ainsi que les traits démographiques de la population.

—au niveau de la personnalité, le sociologue recherche les sources sociales de la motivation de l'acte criminel et considère celui-ci comme l'expression d'un destin, certes individuel, mais inséré entre les limites des normes inspirées par la culture.

Pour nombre d'anciens criminologues, les faits criminels relevaient d'un ordre "infra-humain" et l'acte criminel était d'une essence radicalement différente de celle des autres actions humaines. Ces conceptions appartiennent définitivement au passé. Il faut bien constater cependant que le fossé reste entier entre le point de vue "singularisant" du travail clinique et le point de vue "généralisant" du travail scientifique. S'il y a une large interpénétration des techniques d'analyse et même des divers concepts entre plusieurs disciplines—aucun sociologue ne peut ignorer la théorie freudienne des complexes, comme aucun psychiatre ne saurait laisser dans l'ombre la théorie de l'anomie par exemple—, la finalité de ces deux types de recherche demeure incompatible.

En guise de conclusion, on peut donc affirmer qu'à l'heure actuelle les sciences socio-culturelles considèrent le comportement criminel comme la manifestation d'un conflit de cultures et comme une déviation par rapport aux normes culturelles en vigueur dans la société. Le délinquant est une personne qui n'a pas pu établir, ou rétablir, l'équilibre entre les forces pulsionnelles de son Moi et les normes de la culture ambiante, telles qu'elles se manifestent dans les stipulations du Code criminel ou dans les us et coutumes. Il reste cependant que, pour les raisons indiquées tantôt, une distinction s'impose entre la conduite déviante et la conduite proprement criminelle. La première est liée à la structure de la person-

nalité et à celle du milieu socio-culturel. La seconde est l'oeuvre des forces historiques plus ou moins fortuites, telles qu'elles se manifestent dans les Codes. Raisonner en termes de "conduite déviante" et parler, en fait, de conduite criminelle est la source de regrettable confusions.

Finalement, les aspects individuel et collectif, descriptif et normatif du comportement criminel, dont la dissociation arbitraire a retardé si longtemps la compréhension de l'acte criminel, se trouvent enfin réunis dans la science contemporaine. Cette acquisition des sciences socio-culturelles aura, nous n'en doutons pas, des répercussions vastes et salutaires dans le domaine de la prophylaxie criminelle.

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<sup>1</sup> O. Kinberg. *Basic Problems of Criminology*, Copenhagen 1935, p. 13.

<sup>2</sup> Cité par L. Radzinowicz et J. C. W. Turner: *The Meaning and Scope of Criminal Science in the Modern Approach to Criminal Law*, London: Mac Millan 1945, p. 12.

<sup>3</sup> E. Ferri. *Criminal Sociology*, New York: Appleton Co., 1898 (trad angl) p. 53.

<sup>4</sup> E. Ferri op. cit. p. 62.

<sup>5</sup> E. Ferri op. cit. p. 76.

<sup>6</sup> Si Ferri fut le premier à donner une définition systématique de la sociologie criminelle, il y eut d'autres études parallèles et même antérieures aux siennes. Les travaux de Guerry en France, de Quetelet en Belgique, de von Mayr en Allemagne, constituent les premières analyses approfondies des facteurs sociaux mis en rapport avec la criminalité. Guerry fut surtout un empirique: il se contentait de collectionner les faits sans les rattacher à une théorie générale. Ce ne fut pas le cas de Quetelet dont tout le monde connaît la théorie de l'homme moyen, théorie qui n'a pas cependant survécu à son auteur (Cf. les critiques de Durkheim dans *le Suicide*. Paris, Alcan 1930, pp. 342-44).

A côté de nombreux travaux de l'école italienne (ceux de Garofalo en particulier), citons ceux de Jacquart en Belgique, de Bertillon, de Lacassagne et de Joly en France. Avec les moyens scientifiques de leur époque, ces auteurs se sont appliqués à mettre en évidence les facteurs généraux qui conditionnent la criminalité.

Parmi les facteurs d'ordre social, les facteurs économiques ont, en partie sous l'influence du marxisme, particulièrement retenu l'attention de certains chercheurs. Outre les travaux de Loria, de van Kahn, mentionnons seulement le célèbre ouvrage du hollandais Bongers consacré aux causes économiques de la criminalité (*Criminality and Economic Conditions*. Boston, 1916. Voir encore Sorokin. *Contemporary Sociological Theories*. New York: Harper and Brothers, 1928 pp. 557-561). Dans une étude statistique fouillée, l'auteur démontre le rapport intime qui existe entre la pauvreté et certaines formes de délinquance.

Le rôle du facteur psychologique, considéré dans son contexte, a surtout été mis en lumière par les travaux de Gabriel Tarde, qui prétendait trouver, dans le principe de l'imitation, la raison principale de l'existence et de la propagation de la criminalité (Cf. Tarde. *La criminalité comparée*, Paris Alcan 1924).

<sup>7</sup> Dans la tradition de Ferri, voir l'étude de A.-L. Beeley, qui énumère les cadres des principaux sujets de préoccupation de la sociographie criminelle contemporaine: "A socio-psychological Theory of Crime and Delinquency", *Journal of Criminal Law and Criminology*, 1954 no. 4.



- 8 Ses idées sur ce problème sont exposées dans *Le Suicide*, que nous avons déjà cité et dans *les Règles de la Méthode sociologique*, Paris P.U.F., 11e édit. 1950.
- 9 On voit que Durkheim ne se borne pas à la "violation des lois," mais fait appel à une notion plus large, à celle de la "morale".
- 10 *Le Suicide*, op. cit. p. 414. Il ne nous appartient pas ici de soulever les problèmes d'ordre moral et philosophique que la position durkheimienne a suscités. Qu'il nous soit permis de dire qu'ils étaient dus, en grande partie, à la méconnaissance des théories de l'auteur, bien que celles-ci ne fussent cependant pas exemptes de tout postulat philosophique latent. Quoi qu'il en soit, nous prendrons la position durkheimienne dans un sens opérationnel c'est-à-dire dépourvu de tout jugement de valeur, ne désignant que les relations de fait entre les divers phénomènes.
- 11 *Les Règles etc.* p. 74.
- 12 *Les Règles etc.* p. 58.
- 13 *Les Règles etc.* p. 64.
- 14 *Le Suicide* p. 15.
- 15 A.-M. Rose: "Social Disorganisation", in *Theory and Method in the Social Sciences*, Minneapolis Minnesota Univ. Press 1954.
- 16 R.-K. Merton: *Social Theory and Social Structure*, Glencoe, Ill., The Free Press 1957, p. 135-599.
- 17 Remarquons que si tout comportement déviant n'est pas criminel, tout comportement criminel n'est pas déviant. Songeons à la législation contre l'adultère ou en matière fiscale dans certains pays: le comportement déviant que voulait sanctionner la loi est devenue "normal", c'est-à-dire le fait d'une fraction trop importante de la population pour qu'il soit possible de continuer à appliquer la loi.
- 18 L. Srole, "Social Integration & Certain Corollaries: An Exploratory Study" *Amer. Sociol. Rev.* 1956, Dec. D. L. Meir & W. Bell ont raison de souligner la confusion qui résulte de l'utilisation alternative du terme "anomie" pour désigner tantôt le rapport individu-société, tantôt le rapport groupes sociaux-société globale. "Anomies & Differential Access to the Achievement of Life Goals," *Amer. Sociol. Rev.*, 1959 avril. Voir dans ce même numéro les importantes contributions à la théorie sociologique de l'anomie de R. Dubin, "Deviant Behavior & Social Structure"; de R. J. Cloward, "Illegitimate Means Anomie & Deviant Behavior"; et de R. K. Merton, "Conformity, Deviation & Opportunity-Structures."
- 19 E. H. Sutherland. *Principles of Criminology*. Boston: Lippincott Co., 1939. Porterfield estime que le discours présidentiel de Sutherland devant la Société américaine de sociologie en 1939 sur la "white collar criminality" avait la même importance que "l'Uomo delinquente" de Lombrose en 1876.  
A. L. Porterfield and R. H. Talbert. *Mid-Century Crime in Our Culture: Personality and Crime in the Culture Patterns of American States and Cities*. Fort Worth: L. Pottisham Found, 1954, p. 15.
- 20 E. H. Sutherland op. cit.
- 21 E. H. Sutherland op. cit. p. 18.
- 22 E. H. Sutherland op. cit. p. 19. Le comportement du délinquant individuel présente, évidemment, des traits particuliers qui ne permettent pas de le réduire à ce schéma général, forcément simplifié.
- 23 E. H. Sutherland: "White Collar Community". *Amer. Soc. Review* 1940 février.  
E. H. Sutherland: "Is White Collar Crime, Crime?" *ibid*, 1945 avril.
- 24 Clinard et Taft acceptent ces vues en assouplissant quelque peu l'accent mis par Sutherland sur le rôle des associations différentielles dans le développement criminel. Les facteurs psychologiques paraissent avoir, selon ces auteurs, un rôle plus important que celui que leur concède Sutherland (CF. M.B. Clinard:)

- Sociologists and American Criminology*, in Actes du IIe congrès International de Criminologie. Paris P.U.F. 1953, vol. IV D. R. Taft. *Criminology*. New York: MacMillan 1950 Nouv. edit.
- 25 E. de Greeff "Introduction à la criminologie" vol. I Bruxelles Vandenplas 1946.
- 26 J. Dollard. *Frustration and Agression*. New Haven: Yale Univ. Press 1947 6e ed. p. 1.
- 27 J. Dollard op. cit. p. 118.
- 28 J. Dollard op. cit. pp. 110-141.
- 29 J. Dollard op. cit. p. 141,
- 30 D. Lagache. "La psycho-criminogénèse." *Rev. Fran. de Psychanalyse* 1951, No. 1; C. R. Jeffery, "An integrated Theory of Crime & Criminal Behavior." *The Journ. of Crim. Law, Criminology and Police Science* 1959, No 6.
- 31 Lagache op. cit. p. 104.
- 32 Lagache op. cit. p. 105.
- 33 Ces considérations critiques n'enlèvent cependant rien de la valeur heuristique remarquable de cette étude. L'effort de Jeffery dans l'analyse et le rapprochement des concepts des diverses disciplines dans une perspective criminologique est couronné de succès.
- 34 A. L. Kroeber and C. Kluckhohn. *Cultures; a critical Review of Concepts and Definitions*. Harvard Univ. Press 1952.

*Professor Szabo writes on the sociologist's view of criminal behaviour. He sees sociology as playing an integrating function to bring together the findings of social psychology, cultural anthropology and psycho-analysis in relation to crime.*

# Alcohol and Corrections

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It has always been assumed that there is a connection between drunkenness and crime, and this has often been supported by research. The nature of the connection also often seems quite clear from the research findings. Sturup and Christiansen, after estimating that nearly one-quarter of the inmates of a Danish state prison were drunk when they committed their crimes, found that the rates for the different kinds of offence varied from seventy-three per cent for aggressive offences to thirty per cent for stealing and zero per cent for embezzlement.<sup>1</sup> Mannheim, in England, has shown that arrests for drunkenness fell from about fifty per 1,000 in 1913 to about ten per 1,000 in the late 1930's,<sup>2</sup> and that this trend was paralleled by a decline in persons dealt with for assault from an annual average of 55,053 in 1900-09 to 18,537 in 1938.<sup>3</sup> The trend of these figures for Canada during the first half of this century shows much more fluctuation, but in spite of this, the curves for drunkenness and assault pursue a remarkably similar course.

The conclusion to be drawn from all this is an obvious and fairly common-sense one. Drunkenness appears to be associated with the more impulsive types of crime, the effect of alcohol being, presumably, to reduce the inhibitions which obstruct the free discharge of impulse into action. This would account for the close relationship between drunkenness and assault, for example; and also for the lack of correlation with crimes involving forethought and self-control—like embezzlement. Such a conclusion has obvious implications for the correctional services. If violent crime is very largely a problem of drunkenness, it must be tackled through the cure of the drunkard. The emphasis must be on the drink habit, rather than upon the violence.

Recent research, however, has thrown some doubt on this straightforward explanation. In any kind of statistical study (such as those cited above) one has to be aware of assuming that a statistical relationship between two phenomena necessarily means that one causes the other. They may not be causally related at all—that is, the statistical correlation may be accidental. Or (and this is more likely) both kinds of phenomena may be caused by a single underlying cause. For example, instead of drink leading to crime, both may be evidence of an underlying psychopathological state. Thus an anti-social person may express his hostility towards society by rejecting its standards, either in getting drunk frequently or in committing crimes. And of course this would mean that many such would do both, thus establishing a statistical relationship between the two.

Typical of a number of recent studies supporting this alternative point of view is that carried out by Pittman and Gordon in 1953-54 at the Monroe County Penitentiary, Rochester, New York.<sup>4</sup> The records of 187 men imprisoned for public intoxication were analysed, and it was found that, although the criterion for their inclusion in the study had been conviction for drunkenness, they had had between them 691 arrests for non-inebriate offences—an average of nearly four per head, with many of course greatly exceeding that number. Moreover when their histories of arrest were explored, it was found that up to the age of 40, most of their offences had been of a non-inebriate kind, and only after 40 did drinking offences predominate. The fact that the non-inebriate offences came first certainly seems to disprove, in these cases at any rate, any theory that their crimes were the result of excessive drinking.

Pittman and Gordon argue that the evidence rather suggests that increased drinking replaces crime as a way of satisfying psychological needs, either because of advancing age, or because of persistent inability to gain satisfaction through success as a criminal. The idea, here, that one can be substituted for the other, is a direct illustration of the hypothesis that both derive from a basic need or abnormality, which is thus the true cause.

More research is required before the Pittman and Gordon theory can be regarded as established against its rivals. A project is at present developing in the University of Toronto (with the co-operation of the Governor of Toronto Gaol and of the Toronto Police). It is hoped that this may be expanded. But finance for the study of gaol-inebriates is less readily available than for inebriates in clinical treatment. Nevertheless, in any correctional system which sets treatment as its goal, an answer must be found to these questions. For they raise in an acute form the issue of what kind of disorder it is which the penal system has to treat.

There is little doubt about the importance of these questions of causation for the correctional services. But there are aspects of the problem of the inebriate which are even more closely related to the correctional task. They arise mainly from the sheer size of the problem: the large number of intoxication cases which have to be dealt with by the service. In Canada, over the five years ending in 1955, the annual average number of convictions for intoxication was 89,238. This constituted an annual average rate of 878 per 100,000,<sup>5</sup> and was nearly five per cent of the rate of conviction for all offences. The number of convictions for drunkenness has risen steadily, rising as high as 101,812 by 1956,<sup>6</sup> the last year for which published figures are available. They are by far the largest single group of offences, indictable or non-indictable, with the solitary exception of municipal traffic offences — a group of technical offences of little or no criminological significance.

Even adjudication on such a large number of cases is a tremendous task, and a city of any size, like Toronto, has to hold daily courts. Procedure in court is unavoidably hurried and cursory, and can have very little in common with a genuine diagnostic procedure, seeking to get to the root of the problem and to provide specific treatment. Routine sentencing formulae are the rule, the main emphasis being on simple deterrence. The defects of this procedure are obvious, but if there were any doubt about this it would be allayed by the high rate of recidivism among those appearing before the court for inebriate offences. Over one-half of them have been before the court for the same kind of offence several times in the course of the previous year, and a substantial number of them have very many previous convictions for drunkenness.

But the repercussions of this situation are almost certainly wider and more serious than this. The "drunks court", operating in this way, provides a focus for cynical and deterrent thinking within the judicial system which cannot do other than hinder the development of more progressive ideas in the treatment of crime generally. And it provides a heavy judicial burden, reducing both the time and the patience which magistrates are able to spare for diagnosis in non-inebriate cases. If intoxication cases could be removed from the calendars of the lower courts, it would be at least a step on the road towards re-orienting attitudes in those courts. As the lower courts deal with the great mass of offences, and also with many who are on the threshold of their criminal careers, anything which is likely to improve their diagnostic competence is much to be sought after, for its own sake. But it is very likely that its salutary effect would be felt in the higher courts too.

The effect of this constant flood of convicted drunks on the penal institution itself also deserves examination. It fills the gaols and prisons with transient prisoners who are there too short a time for the institution to provide them with re-educative treatment. And because they are so numerous, they cause a major administrative problem in the institution at large, in arranging for their admission, induction and discharge. Perhaps more important, but more difficult to assess, is their effect in delaying improvement in penal practice. Penal administrators often complain about the difficulty of either planning a training program or making it effective, if the institution contains a large floating population.

There would seem to be a good case, on this ground alone, for excluding from the prison that part of its transient population which has been sentenced for drunkenness. The drunk represents no real security risk, and can only be corrupted by the association with convicted criminals. If he is a true addict, moreover, the deterrent aspect of a prison sentence will have even less effect upon him than upon the criminal, and its power to restrain the latter is probably small enough.

In place of a prison sentence, the addict might be placed in a hostel, from which he could go out to work. This might be in association with probation, and be voluntary if possible, but compulsory if necessary. This would be similar to residence in hostels run by bodies like the Salvation Army, but would differ from them in that there would be pressure on the drunk to stay. Also provision would be made for treatment, of both a physical and psychological kind. It could also, incidentally, be a valuable centre for research. As the inmates would be going out to work and could therefore be expected to pay something towards their own maintenance, and as the security needs of such an institution would be so much less than those of a prison, it is very unlikely that the additional cost of such a plan, including treatment facilities, would be very great.

Such a scheme would help the prison, but it would also have many positive advantages on its own account. Treatment would be provided, and would be provided in a real-life setting, in which the social adjustment of the inmates could be both tested and worked with, instead of in the social vacuum of the closed penal institution. Also it would provide the alcohol addict with group support among others like himself. Recent research suggests he needs this and at present finds it in the Skid Row community. By skilled group handling, as in group psychotherapy, it should be possible to convert the social pressures of an alcoholic group of this kind into a positive instead of a negative influence. The imprisoning of large numbers of alcoholics together merely reproduces, in concentrated form, the existing, harmful Skid Row social pattern.

Several experiments along similar lines to this have been reported,<sup>7</sup> and show that the idea is workable. So far, only a relatively small proportion of those so treated become capable of sustaining an independent existence in the world outside without alcohol (about twelve per cent in one such experiment). But a much larger proportion seem able to live without alcohol, and to keep a job and enjoy many of the normal satisfactions of life, so long as they remain within the sheltered environment of the hostel. Limited though success has been with this latter group, their situation is incomparably better than it was when they were (to all intents and purposes) sheltering from life within the prison.

None of this, of course, helps to rid the courts of the incubus of the drunk. A program of this kind should make for more optimism among magistrates, which will help in the development of treatment attitudes. However, a real solution will probably call for something more radical. If drunks, after conviction in court, could be passed to a treatment authority (consisting of experts in social work, psychiatry and medicine) for the actual sentence, it might provide an opportunity for testing-out this more modern approach to diagnosis for its wider application in the

field of criminal diagnosis. And there is no doubt about the relief such a development would afford to the courts.

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- <sup>1</sup> Howard Jones. *Crime and the Penal System*, 1957, p. 71.
  - <sup>2</sup> Hermann Mannheim. *Social Aspects of Crime between the Wars*, 1940, p. 165.
  - <sup>3</sup> *Ibid.*, pp. 177-178.
  - <sup>4</sup> D. J. Pittman and C. Wayne Gordon. *The Revolving Door*, 1958.
  - <sup>5</sup> R. E. Popham and Wolfgang Schmidt. *Statistics of Alcohol Use and Alcoholism in Canada, 1871-1956*, p. 38.
  - <sup>6</sup> Dominion Bureau of Statistics. *Statistics of Criminal and Other Offences*, 1956.
  - <sup>7</sup> D. J. Myerson. in Harold E. Himwich (ed.). *Alcoholism, Basic Aspects and Treatment*, 1957, pp. 155 ff; E. Rubington: "The Chronic Drunkenness Offender," *Annals of the American Academy of Political and Social Science*, January 1958, pp. 70 ff.

*Une discussion du rapport existant entre l'intempérance  
et le crime laisse entendre que tous deux ont une  
origine commune. Examen des mesures possibles à  
l'égard des ivrognes chroniques.*



# Psychosocial Development And Neurotic Syndromes\*

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The distinctive approach of psychoanalytic theory consisted of centering the interpretation of human development as well as of pathological deviations exclusively around sexuality. On the other hand, a prolonged investigation of psychoreligious development has allowed us to observe that at least all the better defined clinical syndromes may well appear in this specific sphere without involving any appreciable disturbance of sexuality.<sup>3</sup> Therefore, in the present research, it is postulated that, as well as sexuality, other basic tendencies, namely, self-preservation, sociability and religiosity present a specific organization of their own, have their own vicissitudes, and follow their typical course of development.

Indeed, developmental phases appearing to be critical for sexuality seem to be equally critical for these other tendencies as well. The Oedipus is undoubtedly a crucial point in the assertion of sexuality. However, it should be noted that, around the same time, the child is likely confronted with equivalently severe conflicts around other determining issues: life and death, developing his self-identity on the basis of what a particular society will be expecting from him or isolating himself from others, accepting a transcending God and orienting his moral conscience according to His dictates or choosing to be the exclusive master of his own life. Again, around the period of adolescence, as we observe sexual upheavals, it is not rare that existential conflicts take the form of suicidal attempts, that antisocial attitudes become particularly acute, and that religious crises culminate in most bizarre aberrations or in more or less complete estrangement from transcending reality.

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\* This research is part of a more comprehensive study of The Process of Socialization, now being conducted by Le Centre de Recherches en Relations Humaines and supported by grants from The Aquinas Fund, The Canada Council and The Social Science Research Council of Canada. Acknowledgement is also gratefully extended to Mr. Gilles Gendreau, Boscoville, and to all the educators of this most progressive institution for their enthusiastic collaboration throughout the investigation.



In so far as psychosocial development is concerned, it has been observed, time and again, that when a child is unable to outgrow the above-mentioned conflictual situations and to transform part of his activity into some definite forms of work, involving a certain anticipation of his future role in a given society, typical symptomatic behaviour will soon appear, *e.g.*, frequent acting out, refusal to assume any "serious" task or responsibility, truancy, "black sheep" identification, rebellion against discipline and routine, incorrigibility, gang activities, delinquency, recidivism.

To make a thorough study of this specific pathology, an initial step has consisted of conducting weekly analytic group interviews with delinquents presenting such symptomatology. For this purpose, we are using the four groups of fifteen delinquent boys, from 16 to 20 years old, each of which, at Boscombe, constitutes one unit and lives in a separate cottage. For the purpose of re-education, each of these groups is supervised by the same educators, develops its own programming and has a life of its own. On the basis of the first forty sessions (ten with each group), it appears that, in the sphere of psychosocial development also, definite pathological constellations tend to crystallize around the four well-known basic motives of defense: fear, shame, guilt and disgust.<sup>1</sup> At this stage, the available data have made possible a clear-cut delineation of the following syndromes, which can be presented here only in skeletal form.

#### **The Ones Who Fear to Lose Control of Their Impulses**

Some delinquent boys are literally overwhelmed by instinctual anxiety. Their fear of occasions where they would undoubtedly yield to their impulses amounts to a real phobia and, oftentimes, they will try to escape from them through spending most of their time in cinemas. However, they soon develop counterphobic defenses, which unfortunately lead them to acting out. The simple fact that someone else tells them: "You are afraid to do that!" constitutes an irresistible provocation. Without any hesitation, they will steal a car and immediately trying to deny reality, they will make a strong effort to regain control and try to drive this car as calmly "as if it were my own".

When some unavoidable delay takes place between the phantasy of a prospective "break" and its execution, most of them will admit that they think a lot, that they undergo many hesitations, that their heart is beating more rapidly, that they are sweating intensely. However, they will soon quiet down as they get the idea of the elaborate plan, which will materialize in the perfect crime. Then, they develop the impression that they are not at all yielding to some inconsiderate and foolish impulse, but that they are acting according to some cold, calculated and deliberate

decision. As soon as they have committed the offence, however, the initial anxiety is often revived. The fear of being caught becomes overwhelming and appears enough of a certainty to make them feel that it is just as well to yield to any other impulses in the meantime. Naturally, they get caught very rapidly, and, at the same time, are relieved of an intolerable anxiety.

These kids may periodically attempt to escape from the gang, knowing that it can only supply inevitable opportunities for yielding to their dreaded impulses. However, once they get involved in gang activities, they begin to feel less lonely and to acquire some security; they come to think that such an organization will provide more adequate means for future escapes and self-protection. If they happen to be caught, they are somewhat reassured by the supposition that no judge can inflict a long sentence on a whole gang. In their eyes, the gang leader appears as a god; he is always one who will never be a stool-pigeon for any reason and no one will ever dare to lay his hands on you if you are known to be his close friend.

#### **The Ones Who Are Ashamed to Be Different from Their Peers**

These kids will go a long way to avoid being ridiculed or being made a laughing stock in front of their peers. Fundamentally, they always dreaded making a mistake; but, once they misbehaved, they will never admit being wrong and self-justification will become a compelling need.

To these boys, the fact of being confined to Boscoville appears as an intolerable stigma and as an undeserved public indication of some denied misbehavior. They assert with unhesitating self-assurance that, if they were released, their conduct would automatically become irreproachable, whatever lack of control they still display on every occasion. If they obtain a low rating at the end of a week, it is certainly not because of actual misdemeanours, but because the educators have a grudge against them or, rather, take so much satisfaction in exercising their authoritarian role that they use every pretext to punish them. They pretend that they are always being treated unfairly, and that they are no worse than any body else. Indeed, the worst fellows are not those who are arrested, but those who are not arrested and continue to live in society, simply because they had the good luck of getting away with murder! In so far as they are concerned, if they do not show any improvement, it is merely because everybody is nagging them enough to make them fed up with everything.

Moreover, if they have been misbehaving, they are certainly not to be blamed for it. How could they behave otherwise, since, around where they live, everybody is behaving that way, and, perhaps, nobody in the whole world is doing otherwise? Also, "they have been raised that way",

"they have this in their blood", "they are deprived of all will-power", "they had no chance to learn something else", etc. If these youngsters admitted that they should change, they would be in the terrible predicament of having to confess that they have been falling short of their ideal of being "a good boy". To rehabilitate themselves in their own eyes, they have to find fault with everyone and with everything, and keep saying that any positive suggestion is plain nonsense.

It is easy to observe that these kids are ashamed to engage in gang activities; and, in the beginning, they will take every precaution to let their parents, their neighbors and their respectable friends know they are not involved with a gang. On the other hand, even the members of a gang will soon become tired of their non-constructive and purely negative attitude and find little use for them. However, even if they are clearly rejected by every one, they will stick to the group, merely because they need to feel supported in their pseudo-rebelliousness and to be reassured that they do not have to be ashamed, since they are certainly not any worse than so many others. They are constantly suspicious that the others might be "stool-pigeons".

#### **The Ones Who Feel Guilty**

At the other extreme, there is a numerous group of young delinquents who consider themselves as the bearers of an indelible stigma and as definitively rejected social outcasts. They constantly talk about court records, finger-prints, police photographs, etc. They insist that, wherever they may go, they will be discriminated against, that no respectable girl will ever agree to marry them, that no employer will ever really trust them.

In spite of their depressed feelings, their peers will consider them as the most tough-minded in the gang. However, they cannot tolerate being confronted with their past errors. Any sympathetic person who makes an attempt to discuss this subject frankly with them, in order to help them, will get the inevitable answer: "It's none of your business"! Reminding them of their delinquency is almost equivalent to annihilating them. Their most common defensive attitude consists of appearing cynical. They want to be known in the most unfavorable light and try to make it clear that they can do much worse than any one would suspect. With them, acting out is a way of confessing their base feelings and inclinations. Instead of indulging in verbal self-accusation, they immediately give a tangible proof of their worthlessness to any one who dares to express some favorable judgment about them.

These youngsters identify very strongly with their gang and find it almost impossible to separate from it. Being always loyal and helpful

to anyone who may be in trouble, they are loved and admired by the others and readily become the most popular figures around. They may be as generous as they are "tough". Extremely kind and sincere towards their peers, they will long remain totally unreliable for those who are on the other side of the fence, even if they love them intensely. Only within the gang will they have the feeling of being useful, as well as of being loved, considered and trusted, as much as they have been craving to be since their early childhood. For the rest of the world, they intend to remain the black sheep, the monsters and pariahs they have been persuaded to become so through suggested negative identification.<sup>2</sup>

### **The Ones Who Are Blasé and Disgusted with Everything**

These youngsters show a distinct lack of interest in any activity and, especially, in any human contact. Reality appears irremediably dull to them, and they pretend to ignore it as far as possible, while constantly looking for some new experiences, more fascinating and more exciting than ordinary people can imagine. Of course, they display only extreme contempt for such ordinary people, who can tolerate the boredom of a so-called normal life, of routine and of regular occupations.

When reality becomes too unpleasant, alcohol will supply the necessary refuge and heavy drinking will allow them to forget everything they choose to forget. But, on brighter days, the grandiose ideals of the moral weaklings will reappear in their phantasy, as achievements which are immediately at hand. Then, at times, they may begin to talk like angels and elaborate such wonderful plans for their future, that any unsophisticated listener would hardly suspect that they could ever have committed a serious offence and will be readily convinced that they should be released at once. Unfortunately, some few hours after enjoying this enthusiastic moralizing, they may equally enjoy indulging in all the perversities they just condemned. Then, their great ideals might find an unexpected concrete expression in an attempt to surpass the most glamorous gangsters of the century.

It is only too easy to understand why these youngsters feel, just like those of the above category, a compelling need to belong to a gang. There, indeed, one can find a refuge, away from the dull world, and an immediate opportunity for new, unpredictable and really exciting experiences. As one put it: "There, we have the perspective of thrilling adventures! While we are planning for an important 'break', our feet no more touch the ground"! Thus, the gang provides a nice opportunity for colorful daydreaming and grandeur phantasies; unfortunately, for this kind of delinquent, it soon provides, also, most powerful incentives to dangerous acting out. Just to give themselves the impression of being so many Al Capones, at times, the members of a gang may develop a

very elaborate scheme to steal some few packages of cigarettes; but, at other times, they may think of having the same experience through bank robbery or killing somebody.

#### Conclusion

As further data are accumulated, several other aspects of the delinquent personality will be more carefully studied. To elucidate the basic process of socialization, an analysis of the material related to the delinquent's attitudes toward his parents, school and work, judicial institutions, police, diagnostic and treatment teams, money, and correctional institutions, already appears to be of paramount importance. However, what has just been said about some early crystallized personality patterns will suffice to help at least some few sophisticated minds to understand that the treatment of psychosocial disturbances is not merely a problem of custodial care.

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- 1 Fenichel, Otto. *The Psychoanalytic Theory of Neurosis*. New York: W. W. Norton and Company Inc., 1945.
  - 2 Johnson, Adelaide M. and Szurek, S.A. "The Genesis of Antisocial Acting Out in Children and Adults". *The Psychoanalytic Quarterly*, 1952, 21, 321-343.
  - 3 Mailloux, Noel and Ancona, Leonardo. "A Clinical Study of Religious Attitudes and a New Approach to Psychopathology" in David, Henry P. (Ed.), *Perspectives in Personality Research*. New York: Basic Books, Inc. (To be published during the fall of 1959).

*Exposé des premières constatations découlant d'une  
étude d'ensemble du processus de la socialisation chez  
les enfants et les adolescents.*

# The Library Services In Penal Institutions

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No words need to be wasted here on proving the value of a book in the hands of a time-weary inmate. That has been accepted by administration almost as long as by inmates. But often the facilities for providing this reading material are as different from an organized library service as the bread, water and skilly of yester-year differs from the scientifically planned menus of today. After this statement, it is a requisite to indicate the basic necessities of an organized library service, before considering the scope and value of such a service.

As with any library service, the three basic essentials are books, staff and buildings, and their value is in that order.

## Books

The book collection should be chosen to cater for the needs of the individual institution. It should consist of a well balanced selection of books covering the range of interests and needs of the inmates, catering for minority needs as well as majority interests.

Essentially, the books should be in good physical condition; clean, well-bound books are not only better cared for by inmates, but are better used.

The above standards can only be accomplished by book purchase. Donations from individuals or public libraries may contain volumes which reach the physical standard; the rest should be ruthlessly weeded out and discarded. From the retained books, only those of positive value in the library should be used.

It is difficult to generalize on the number of books an institutional library should contain, but in estimating for individual institutions, it should be noted that it is just as easy, and equally unsatisfactory, to have too many as too few. With an organization for the supply of unusual individual needs, provision of a stock of about five books per bed, in institutions of 1,000 inmates, rising to ten books per bed where the inmate count is down to fifty, should be satisfactory. These figures could be adjusted to individual institutions by increasing slightly for training



schools, and difficulties of organization involving the multiplicity of library service points; lowering for institutions catering for low I.Q.'s, or where length of sentence is usually below three months. Above this period, stock turnover should normally cater for very lengthy sentences.

Having estimated the optimum stock figure, this should be adhered to by maintaining: (a) the physical standard of the books, weeding out and discarding non-reparables; and (b) the over-all selection standard by discarding out-of-date technical books, etc. Estimating the average life of a book as four years, a budget for necessary replacements can be calculated.

#### **Staff**

In any library service, the value of the books can be no more than the effective use made of them. It is essential that institutions should have the regular services of a qualified librarian to make the library service effective. The amount of service necessary would vary from full-time in the largest institutions, to a half day per week in the smallest. Inmate labour can be used extensively, but the experience and training of a specialist is necessary for the building up and maintenance of a worthwhile stock, cataloguing and classifying, supervision of the most effective method of book-issue, the exploitation of the book stock, and personal assistance to inmates in library usage.

#### **Buildings**

In this category must go library accommodation and, dependent on this, methods of issuing books to inmates, along with control of the treatment meted out to library books.

Ideally, one suitable room to cater for the whole institution would contain sufficient shelves and sufficient reading space, and should be available for frequent visits by inmates. Essentially, book-issue should be controlled, the responsibility of taking care of an individual book resting on an individual inmate.

What is the value of the library service in the institution program? While no one could hope for men to be salvaged by reading alone, there is no doubt that sound and directed reading is a beneficial influence. At its least, it provides a release from undesirable introspection; beyond this its value can be immeasurably greater in the provision of ideas, interests and new appreciations that can help to change the course of life and aid in the rehabilitation of the inmate. The value of the library is strictly proportionate to the standard of service provided. The nearer the library gets to supplying the needs, spoken and unspoken, indeed known and unknown, of the inmate population, the greater will be its value not only from the treatment point of view, but also the custodial.



This, then, is an appropriate point at which to consider those needs. As suggested above, the type of reading material needed by inmates is not always immediately apparent, even to the inmate himself. It is frequently said that a high percentage of inmates do not want to read, in fact never do read books, and that those who do simply want murder mysteries and western adventures. These are two false assumptions. Over ninety per cent of inmates will want to use a book of some kind and the percentage using mysteries and westerns is much over-emphasized. Two reasons for this are:

- (a) an unsatisfactory selection of books is all that most inmates have ever seen, consequently less reading is done, and such demand as is expressed is along the narrow lines of expected provision;
- (b) where there is an acute shortage of popular books, the expressed demand for them is more vociferous.

Just one instance of this was encountered recently when an inmate who originally claimed to read nothing but westerns, and bemoaned the shortage of this type, eventually stated that his real interest was in the settling and pioneering aspects of the early history of the country, but had finally been forced to westerns as the nearest available substitute.

A survey of the reading needs of about 1,000 men in six different institutions was carried out recently by circulating questionnaires. These listed seven different types of fiction and seventeen general types of non-fiction, with additional space for particular subjects, both technical and non-technical. Random information deduced from the answers should help towards the planning of a library service.

First of all, the answers were astounding to anyone with a mystery-western complex; otherwise they followed, with odd exceptions, the general pattern of serious adult reading interests. Exceptions included higher than expected interest in poetry and current affairs, and a not unexpected demand for "appeal cases won".

Although there were slight percentage differences in trends, the general pattern was similar in all institutions. There was a wider demand from those institutions which had the best collection of books, or where prior discussion on the use of a library service had taken place.

Interest in fiction and non-fiction was about equal; in fiction, mystery and western combined balanced the rest. In non-fiction, biography, travel, handicrafts and dictionaries were high in demand, with foreign languages, science, technical books, rules and techniques of indoor games, poetry and space travel being indicated on well over ten per cent of the answers. About fifteen per cent of the replies referred to particular extra subjects of personal interest ranging from flight engineering to jazz.

This information consisted simply of stated need which, although it gave some basis for working, needed to be supplemented by positive usage. In a short period of usage the over-all picture is not greatly changed. Such change as was apparent in the initial stages tended towards more serious vocational usage, possibly over-emphasized by the insistent clamour of inmates who have benefited from a well-run institution, and who want to make the utmost use of facilities in the final period of their sentence.

Of seventy book issues on a recent date, from a fresh stock of books of fairly wide coverage, but with sufficient supply of the popular type of reading, sixty per cent were non-fiction, forty per cent fiction. Although there was no shortage, only six mysteries and six westerns were borrowed. Subjects asked for included Spanish language, draughtsmanship, boiler house practice, jet engines, reporting, astronomy, blueprint reading, naval warfare, underwater sport, carpentry and rules of sports and games.

This seems to emphasize that the demand is there, which can only be served by an adequate collection of books properly organized.

Consistent reference to an adequate selection of books needs to be enlarged upon. The various types of books needed, the use to be made of them, and the value of their provision can be detailed.

The first obvious need is the time-consuming recreational book which relieves tension, and the need for constant supervision equally as well with the inmates as with our children. The well written novel, mystery, western, humour and travel in biography are the types covered by this group. The next group is recreational information books on various subjects, written at various levels, read for their recreational value rather than for precise information they might contain, but which nevertheless serve to widen the interests of the reader. Such books as polar exploration, mountaineering, voyages in unlikely craft, historical (including war stories) and general expeditions are included in this group.

Systematic self-study books can be divided into the two categories of theoretical subjects and practical subjects. In the first category, besides the obvious ones of foreign languages and mathematics, astronomy, political and economic history and archaeology are subjects that have been mentioned. The practical group will include subjects in which men have already some interest and which they may wish to take up either for pleasure or financial return on release; drawing, hairdressing, animal management, radio and T.V. repairing are such subjects in which interest has been shown.

In curriculum subjects, once more books of two types will be in demand. The provision of textbooks should be worked out with the

academic staff, but good use can be made of background subjects concerning both classroom and workshops, with travel as a background to geography, biographies enlarging on history, current events and the development of automobiles, etc., widening the interests of the students. In conjunction with the schoolmaster, it is also useful to maintain a collection of specially chosen books for retarded readers, books with a high interest level, but with a low vocabulary level. Although the selection of material with wide divergence between the levels is a difficult task, their value more than compensates for the laborious search.

A vigorous education program can only be successful when supported by a good library service. A less ambitious education service will rely extensively on the library facilities.

Current affairs is a subject of more than average interest in an institution to a great extent cut off from public opinion and discussion. Consequently, it is important to maintain a good collection of biographies of prominent figures, discussion books on modern political trends, and background books on the latest crises. The daily newspapers and magazines need to be supplemented so that the inmate can overcome his fear of faux pas in ignorance of the world's latest capers.

Reference books of facts, dictionaries, encyclopaedias and sports statistics serve to overcome the helplessness of semi-knowledge or total ignorance.

Finally, there are a group of books which can be different in purport and appeal from all the above. The books already detailed are held in the library; they are there for use or neglect by an inmate of his own free will. Even though he may have been led to them, encouraged to use them, and had their value revealed by the librarian, they are still objective in their helpfulness, and as such, may reach some of the distrustful rather more easily than a subjective approach. Even so, there is a need for this subjective approach, and there will be a use for a group of books in the library, well known to the specialists, that can be directly recommended to individual inmates to help with particular problems. The social worker, the padre, the psychologist will find the value in supplementary reading being available.

This is by no means a complete listing of the types of books that will be useful in all institutions, but it is suggested that if due consideration is given to provision of a book stock covering these groups, then with such minor changes as may be necessary in the experience of usage, an institution would be satisfying the reading needs of the inmates in a very positive manner.

It takes money to provide the books and skilled service, it takes trouble to ensure adequate accommodation and usage, but the trouble and the money are small compared with the returns that can result from a real library service.

*L'auteur donne ici son avis sur la manière d'établir  
une bibliothèque dans une prison et sur la façon  
d'en promouvoir l'usage.*

*STATISTICS OF ALCOHOL USE AND ALCOHOLISM IN CANADA 1871-1956.* Compiled by Robert E. Popham and Wolfgang Schmidt. Toronto: University of Toronto Press, 1958. 150 pp. Price \$4.50.

This volume represents a response by the Alcoholism Research Foundation of Ontario to the many requests they have received for statistical information on the use of alcohol, and on alcoholism in Canada.

The senior compilers of the volume, Popham and Schmidt, state that apart from figures for retail outlets, "statistics of attitudes, those of primarily local interest, and those which were available for only a limited portion of the country . . . nearly all available types of statistical data, which seemed relevant on the basis of current research needs and the diverse enquiries which have been received, are included in the report".

The data is presented in four parts. Part I covers the statistics on users and abstainers; Part II, the apparent consumption of alcohol; Part III, convictions for offences involving alcohol; and Part IV, the prevalence of alcoholism, with estimates based on the Jellinek Formula. In a fifth section are census population figures used to compute various rates which appear throughout the report.

In each section yearly data is presented for Canada, with the exception of the Yukon and Northwest Territories, and then the same information is given for each province. Where it appears warranted auxiliary data is presented to facilitate trend analysis. Tabulations of comparable figures for other countries are reported to the extent that they are available. With the exception of Part I, derived from surveys by the Canadian and American Institutes of Public Opinion, all of the statistics for Canada were obtained "from official government reports or were calculated on the basis of data so obtained". Commendably well documented source notes appear at the end of each section.

The workers of the Alcoholism Research Foundation of Ontario definitely deserve credit for the Herculean task that they have taken upon themselves to compile statistics related to alcohol for not only their own province but for all of Canada. I feel, however, that the refusal to interpret the numerical data is unrealistic. In an effort to be unbiased the ARF has verged on irresponsibility. Theories without facts are no more empty or barren than the converse.

Specifically, one could criticize the data of Part I as being open to most of the pitfalls of public opinion polls that are enumerated in any

introductory statistics textbook. This is substantiated by the acknowledgment that in regard to users and abstainers there is a "not inconsiderable difference in the figures obtained for Canada by the World Poll and by the Canadian Institute of Public Opinion".

A large percentage of the tables in the other sections are subject to the criticism that Popham has given elsewhere, namely that "statistics of this type are usually influenced to a considerable degree by extraneous factors". The possibilities of misinterpretation are clearly seen by comparing the uses and abuses of alcohol for the different provinces. Employing as indices such things as the number of alcohol users per capita, convictions for drunkenness as a percentage of all convictions, etc., a judicious choice of the "facts" allows four of the ten provinces to lay claim to the somewhat dubious distinction of having the most serious alcohol problem in Canada in the year 1955.

Popham and Schmidt promise that in the annual revisions of this report that are planned for the future there will be incorporated a "detailed and comprehensive exposition of the difficulties and pitfalls to which the interpretation of alcohol statistics seems especially liable". This should prove to be a worthwhile addition to what already is undoubtedly a most useful reference book.

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*ALCOHOLISM.* By A. Z. Pfeffer. New York: Grune and Stratton. 1958. pp. xii+98. Price \$4.50.

This small volume is designed to serve as a handy reference for industrial physicians who are occasionally charged with the management of alcoholic employees. The material is divided into nine chapters including one on definition, two on the management of medical and neuropsychiatric complications, one on psychological aspects of alcoholism, two on treatment methods, and three on industrial and other programs for assisting alcoholics. In general it may be said that the selection of material is well made and represents some of the best thinking on the subject. Although no single topic is given really thorough consideration, most questions of interest to the general physician have been touched upon.

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**CRIMINOLOGY.** By Donald R. Taft. New York: The Macmillan Company. Third edition 1956. pp. 779. Price \$6.75.

The third edition of Taft's *Criminology* has been substantially revised, and provides a good general text covering the several sectors of criminology. Some chapters in the previous edition—notably one comparing the criminal and the criminal nation—have been dropped, and emerging areas are covered in new chapters—on comic books and mass media, on legal reform, and additional material on group therapy.

The original emphasis on "understanding the experiences and attitudes of the criminals themselves" (Preface to the first edition) remains, but the outlines are softened by the author's "attempts to show appreciation of the views of others, especially in the controversial subjects of religion, sex, determinism and crime". "Director J. Edgar Hoover helped revise characterizations of the FBI."

The approach has produced some real gains. The analysis of the conflicts in the American social scene that promote criminal acts is improved, and introduced earlier. The legal approach is broadened by bringing in matters ordinarily excluded, although the result is not always fully digested: The notion of "social accomplice" in a crime as anyone whose actions have helped bring about the situation is not fruitful.

The reviewer would prefer if the author had pushed his analysis further into the sociology of the legal process: one does not find any reference, for example, to Durkheim, or to the function of law enforcement to the non-criminal portions of society.

Again, the author, in reviewing the study of the prison community, gives what seems an excellent survey of the literature and the field, including views with which he is not in sympathy. McCorkle and Corns' viewpoint on the necessity for therapy to break down the inmate's rationalizations and defenses he outlines only to put it aside as not giving enough attention to "genuine reasons for crime", but seeming "to exaggerate rationalization". This point seems to the reviewer to illustrate the rather static, or perhaps panoramic approach to the problem which the book as a whole possesses: the inmate here, and the criminal elsewhere are not conceived as live human beings, reacting to the problems presented to them, but more as passive products of the factors inducing crime.

This may be inevitable in so large an undertaking as represented by the book; in any event these are small flaws in a big work.

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**STAR WORMWOOD.** By Curtis Bok. Toronto: McClelland and Stewart, Ltd. 1959. pp. 228. Price \$4.50.

In this book Judge Curtis Bok, of the Pennsylvania Supreme Court, develops an eloquent protest against punitive penology and capital punishment. Punishment as a concept is a bad thing, and capital punishment is only the most dramatic form of punishment. The penology of the future should be treatment, not to fit the crime, but to fit the prisoner.

Dividing his narrative into three parts—crime, trial and execution—Judge Bok tells the story of the short and sad life of Roger Haike, child of the depression, orphaned, hungry, lonely and guileless, who in the late Winter of 1931, at the age of 17, killed a 13-year-old girl in a fit of fear and rage. He tells the story in a gripping thriller style but he follows each chapter by an incisive comment in which he uses the story to analyze and examine the conduct of the criminal, those who sit in judgment on him, and the operation and motivation of our penal laws.

The trial described comes alive because he tells the story not from inside the courtroom but from inside the people involved. His description of the tactics of the lawyers and the reaction of the judge, the jury and the spectators could only have been done by a professional who had lived through many trials. In this way he exposes the tragic errors and frustrating failures in the administration of criminal law and points the way to a more effective justice to save human values and serve society.

One cannot but be stirred by the account of man's inhumanity to man. In theory, most decent people today reject capital punishment. However, some of the things done in this world of men nauseate to the point that the theory breaks down. Can people free themselves from the spirit of revenge and treat mad dogs as mere sick persons, and only slightly sicker than themselves, and will legislation grant funds for expensive therapy and re-education in an attempt to cut down the recidivist rate?

Justice, he affirms, must indeed be blindfolded, blind to the interest and sentiment of the injured party. Society is the loser when revenge replaces human values. The truth that there are no criminals but only sick men must, if we pretend to civilization, be followed by a more effective campaign against the sources of this sickness. Such a campaign, to be successful, will require much more working out of interpretations as formulated by the legal mind and the medical or psychiatric mind.

One cannot but agree that Judge Bok is right in maintaining that analysis of the wrongdoer's personality in relationship to the crime, wise parole administration, and new types of minimum security prisons under psychiatric guidance, give promise of correcting the errant strain and restoring the subject to a socially useful life.

Judge Bok has written a most memorable book. The literary quality is worthy of the great lawyer and humanitarian that he is. This book should be widely read and wisely heeded by both laymen and law men.

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**PARENTAL AUTHORITY: THE COMMUNITY AND THE LAW.** By Julius Cohen, Reginald A. H. Robson and Alan Bates. New Brunswick, N.J.: Rutgers University Press, 1958. pp. xii + 301. Price \$6.00.

This is a well conceived and well carried out study in a new area of investigation. The book represents the result of the combined efforts of lawyers and sociologists to explore what has hitherto been an uncharted area of research.

The authors have attempted, and I believe quite successfully, to determine what agreement exists between "the moral sense of the community" and the law. "The moral sense of the community" is equated for all intents and purposes with "views of the community" and "community opinions", terms which the authors eschew on the grounds that they are "emotionally charged". It is hard to believe that "moral sense" is any less emotionally charged than the other two terms which at least have the advantage of being well known and currently used expressions.

By using an intricate interview schedule, administered to a representative sample of the population of the State of Nebraska by a group of interviewers specially trained for the task, the research team sought to evaluate ways in which community opinion agreed and disagreed with law on questions pertaining to parental authority, child autonomy and financial support of family members. Not too surprising, perhaps, their findings indicate that in most of the issues raised, the moral sense of the community and the law were at considerable odds. The sample tended to be more willing than is the law to restrict parental authority, to grant the child (particularly adolescents) more autonomy, and to impose on the child more responsibilities. The trend varied in degree from issue to issue and there were even some issues on which the responses were exceptions to the trend.

The findings were also analyzed to determine what differences in response exist between various socio-economic groups within the sample. The most startling result of the study in my view is the almost total lack of difference in attitude found between the classifications. Only between

and non-religious groups to permit analysis) was there much by way of significant difference, and even in this comparison the agreement far outweighed the disagreement. Men and women differed only slightly. Urban and rural showed some difference. Age, schooling, income, and occupation appear to have little relation to differences in views expressed by the Nebraska sample.

The authors present some very interesting hypotheses to explain the few differences they did find. However, it appears to me that they have been overly cautious (or perhaps unduly modest) in their analysis of this section of the study. They claim to have too small a sample to test some of their speculations but, from the data presented, it is clear that further evaluation is possible.

The real importance of this study lies in its explicit finding that it is possible to arrive at considerably more than a guess as to what the moral sense of the community is on a particular issue. This suggests that workers in the field of corrections might well find it valuable to explore the possibility of using similar techniques to evaluate the moral sense of the community with respect to penal codes, sentencing procedures and practices.

Except for some inconsistencies in data and confusing presentation of materials, this is a highly readable book which should prove of particular interest to researchers in most fields of the social sciences, to theoreticians and practitioners.

R. WALLACE JONES

*Alcoholism Foundation of Alberta  
Edmonton*

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